



Office of Marine Safety
Transcript Errata

Matter: *El Faro*
Ref Nbr: DCA16MM01

Dear Sir/Madam:

Enclosed with this letter is a copy of the transcript of interview for HARRY ROGERS taken on MARCH 23, 2017. Kindly review this transcript for accuracy and provide corrections, if any, in the attached table. Please return the completed errata form to me no later than Tuesday, April 11, 2017. If we do not hear from you by this date, we will take this to mean you did not find errors in the transcription.

Thank you in advance for your attention to this matter.

4/4/17
Date

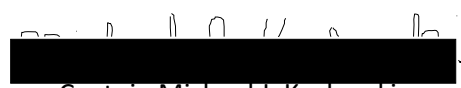

[Redacted Signature]
Captain Michael J. Kucharski
Senior Marine Accident Investigator

TABLE OF CORRECTIONS TO TRANSCRIPT OF INTERVIEW FOR

HARRY ROGERS

TAKEN ON

MARCH 23, 2017

[illegible]

If, to the best of your knowledge, no corrections are needed kindly circle the statement "no corrections needed" and initial in the space provided.

NO CORRECTIONS NEED.

Initials

Printed Name of Person providing the above information

Signature of Person providing the above information

Date _____

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of:

*

*

SINKING OF S.S. *EL FARO*

*

ON OCTOBER 1, 2015

*

Accident No.: DCA16MM001

*

* * * * *

Interview of: HARRY ROGERS

Law Offices of Reeves McEwing LLP
Philadelphia, Pennsylvania

Thursday,
March 23, 2017

APPEARANCES:

MICHAEL KUCHARSKI, Nautical Operations Group Chairman
National Transportation Safety Board

ERIC STOLZENBERG, Naval Architecture Group Chairman
National Transportation Safety Board

JOHN FURUKAWA, Survival Factors Group Chairman
National Transportation Safety Board

CAPT JASON NEUBAUER
U.S. Coast Guard

CDR [REDACTED] J. [REDACTED]
U.S. Coast Guard

[REDACTED]
U.S. Coast Guard

JOHN LAWRENCE, Director of Fleet Safety
TOTE

LEE PETERSON, Director of Operations
TOTE Maritime Puerto Rico

SPENCER A. SCHILLING P.E., President
Herbert Engineering Corp. (HEC)

BRIAN McEWING, ESQ.
Reeves McEwing LLP
(Representative for Harry Rogers)

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Harry Rogers:	
By Mr. Kucharski	7
By Mr. [REDACTED]	13
By Mr. Kucharski	15
By CAPT Neubauer	18
By Mr. Kucharski	19
By CAPT Neubauer	23
By Mr. Stolzenberg	25
By CDR [REDACTED]	25
By Mr. Peterson	26
By Mr. Schilling	27
By Mr. Kucharski	28
By CAPT Neubauer	40
By CDR [REDACTED]	41
By Mr. [REDACTED]	42
By CDR [REDACTED]	47
By Capt. Lawrence	47
By CAPT Neubauer	48
By Mr. Kucharski	49
By Mr. [REDACTED]	55
By Capt. Lawrence	58

I N D E X (Cont.)

<u>ITEM</u>	<u>PAGE</u>
Interview of Capt. Harry Rogers:	
By Mr. Kucharski	59
By CAPT Neubauer	65
By Mr. Kucharski	65
By CAPT Neubauer	71
By CDR [REDACTED]	72
By Mr. Kucharski	74
By CAPT Neubauer	88
By CDR [REDACTED]	89
By Mr. Kucharski	91
By CAPT Neubauer	92
By Mr. [REDACTED]	93
By CDR [REDACTED]	100
By Mr. Kucharski	103
By CAPT Neubauer	106
By Mr. Kucharski	106

I N T E R V I E W

(11:42 a.m.)

MR. KUCHARSKI: Well, for some reason, my recorder shut down. So I'm just going to move very quickly through this again. My apologies.

Mike Kucharski, NTSB. We're here with Captain Harry Rogers, 11:42, on the 23rd of March 2017, at the Law Offices of Reeves and McEwing in Philadelphia, and this is the *El Faro* investigation that we're here to interview Captain Rogers.

We have Captain Jason Neubauer from the United States Coast Guard; is that correct?

CAPT NEUBAUER: Yes.

MR. KUCHARSKI: And we have Mr. McEwing, personal representative for Harry Rogers; is that correct?

MR. McEWING: Correct.

MR. KUCHARSKI: And we have Harry Rogers here also, Captain Harry Rogers, correct?

CAPT. ROGERS: Correct.

MR. KUCHARSKI: And again, my name is Mike Kucharski.

Captain Rogers, it's okay that we record this; is that correct?

CAPT. ROGERS: Yes.

MR. KUCHARSKI: Okay. And on the phone we have [REDACTED] [REDACTED] and [REDACTED] [REDACTED] -- CDR [REDACTED] [REDACTED] and [REDACTED] [REDACTED] from the Coast Guard, correct?

1 MR. [REDACTED] Correct.

2 CDR [REDACTED] Roger.

3 MR. KUCHARSKI: We have Eric Stolzenberg, Group Chairman for
4 the NTSB, Group Chairman for Stability and Structures, and John
5 Furukawa, Survival Factors, both from -- he's the Group Chairman,
6 both from the NTSB, correct?

7 MR. STOLZENBERG: Correct.

8 MR. FURUKAWA: Correct.

9 MR. KUCHARSKI: Okay. And the last two, we have Captain John
10 Lawrence from TOTE, and we have Lee Peterson from TOTE. Is that
11 correct?

12 CAPT. LAWRENCE: That's correct.

13 MR. KUCHARSKI: Great. And I think I covered Spencer
14 Schilling from Herbert Engineering. He's also on the line, okay?

15 MR. SCHILLING: That's correct.

16 MR. KUCHARSKI: Okay, gents. The purpose of the
17 investigation is to increase safety. The NTSB cannot offer any
18 guarantee of confidentiality or immunity. You will get a copy of
19 the transcript to look over and to correct or discuss corrections.
20 There will be an errata sheet and both will be in the public
21 docket.

22 You're allowed one representative of your choice, and that is
23 Mr. McEwing is your personal representative.

24 Any questions?

25 CAPT. ROGERS: None.

1 MR. McEwing: No.

2 MR. KUCHARSKI: Okay. Thank you. Then it's 11:44 Eastern
3 Standard Time.

4 And, Captain Rogers, would you prefer Captain Rogers or --
5 CAPT. ROGERS: Harry's fine.

6 MR. KUCHARSKI: Harry.

7 INTERVIEW OF CAPT. HARRY ROGERS

8 BY MR. KUCHARSKI:

9 Q. Okay. Harry, would you please provide us -- actually first
10 start, would you spell your full name for us for the record?

11 A. Harry, H-a-r-r-y, Rogers, R-o-g-e-r-s.

12 Q. Thank you. Would you provide us with a little bit of your
13 background, your nautical background starting with schooling and
14 professional background?

15 A. Before I do that, I would like to read a statement into the
16 record.

17 Q. Sure.

18 A. The contact between U.S. Coast Guard and myself was initiated
19 by Mr. [REDACTED] [REDACTED] on December 12, 2016, at 11:12 a.m. via a
20 phone call to my cell phone. This was followed by an email on
21 Monday, December 12, 2016, at 11:42 a.m.

22 I referred the matter in its entirety to Mr. Brian McEwing
23 who has handled all correspondence. Thereafter, I was subpoenaed
24 to appear before the Joint Inquiry Board on Friday, February 10th.
25 I received a cancellation of that subpoena on 2/7/17, no reason

1 given.

2 Number two, the contact between the NTSB and myself was
3 initiated by Mr. Michael Kucharski in a phone call to my home on
4 February 22, 2017. He left a message on my home phone and I was
5 instructed to return the call, which I did.

6 We have been acquainted with each other for many years, and
7 after some social catch up, he started to ask me questions about
8 the *El Faro* incident. I asked him if the conversation was being
9 recorded. He said it was not. I told him that all discussion
10 needed to go through Mr. McEwing and that all correspondence
11 needed to go through Mr. McEwing. I sent Mr. McEwing an email
12 with Mr. Kucharski's contact details. I was subsequently subpoena
13 to appear here today. Thank you.

14 My background. I was graduated from the New York Maritime
15 College in 1977. I sailed for 14 years, mostly with AMO District
16 2 ships. I came ashore working for Interocean Management in 1990.
17 While I was sailing, I sailed captain for approximately 5 years of
18 a variety of vessels.

19 I came ashore in 1991 -- 1991, April as a matter of fact, and
20 I was assigned to the project that was ongoing in Malaysia at the
21 time, the revitalization of the ULCC UST Pacific.

22 I stayed with Interocean through its different name changes
23 for 24 years. I was made operations manager in the mid '90s, a
24 title I held until I was dismissed on March 31, 2014.

25 While at Interocean, I was a port captain, safety manager,

1 operations manager, designated person, emergency response
2 coordinator, drug and alcohol program supervisor. That's enough.

3 Q. Captain, this is Mike Kucharski. Harry, you said port
4 captain and ops manager, those are different positions that you
5 held?

6 A. It was a gradual increase in responsibility during my time
7 there at Interocean. I held the operations manager position from
8 about 1995 through 2014.

9 Q. And as operations manager, did you mention you were also the
10 DPA?

11 A. Yes.

12 Q. Okay.

13 A. I also, just for the record, I was the person who primarily
14 put together the ISM Manual and the associated manuals, including
15 security manuals and most of the other plans that we use. We
16 brought a tremendous amount of this stuff in-house rather than
17 jobbing it out. So I did most of that work.

18 Q. You must -- it's sort of funny, you almost sense what I'm
19 going to ask next about the safety management and everything.
20 Thank you.

21 Under the position of port captain, who did you report to?

22 A. Mitch Walker.

23 Q. Okay. And who reported to -- who were your direct reports as
24 port captain?

25 A. Mitch Walker.

1 Q. He reported to you also?

2 A. No, no, I'm sorry. Who were my direct reports? I'm sorry.
3 I had no one.

4 Q. Okay. And as ops manager, who did you report to?

5 A. Mitch Walker.

6 Q. And DPA?

7 A. Mitch Walker and Jorge Aguirre as president of the company.

8 Q. Okay. And as port captain, can you mention what some of your
9 duties were?

10 A. General operations, keeping track of the vessels, monitoring
11 safety, monitoring -- in some situations monitoring cargo loading,
12 visiting the vessels for safety inspections, and then later,
13 audits within the ISM system, tracking -- tracking the vessels
14 daily to know where each vessel was every day, all the time, and
15 what they were up against, and dealing with the issues of the day.

16 I was also the emergency response coordinator as part of that
17 function, and I was -- if the ships called, I was the first person
18 they would get about 95 percent of the time.

19 Q. You mentioned emergency response coordinator. Was that part
20 of collateral duty to the ops manager or port captain?

21 A. Both.

22 Q. Both. Okay. And during that time -- let me back up a little
23 bit. You mentioned that you were a master on various types of
24 ships. What types of ships were you master on?

25 A. Passenger ferries for one, roll-on/roll-off vessels,

1 combination vessels for the Military Sealift Command, small
2 freight. I was a relief captain position on a small freighter
3 called the *Amazonia*. That's it.

4 Q. Okay. You mentioned combination vessels. What did you mean
5 by combination vessels?

6 A. Combination roll-on/roll-off, container, heavy lift and
7 liquid fuels.

8 Q. Okay. Were those commercial vessels or were those government
9 vessels?

10 A. No, they were -- that particular class of vessel was one of
11 the MPS vessels serving the MS -- Military Sealift Command.

12 Q. And MPS would be Maritime Preposition?

13 A. Yes.

14 Q. Okay. And when you were port captain for Interocean, the
15 types of vessels that you were port captain, did all the vessels
16 report to you as port captain in some way, shape or form?

17 A. Yes.

18 Q. And what types of vessels were they?

19 A. We had tankers, very large tankers, ultra large tankers. We
20 had roll-on/roll-off vessels. We had combination vessels. We had
21 crane ships. We had straight container vessels. We had -- that's
22 about everything, yeah.

23 Q. And you mentioned different -- Interocean changed names along
24 the course of your employment?

25 A. Numerous times, yes.

1 Q. Could you bring us through those, some of those changes,
2 because some of the questions we'll ask maybe, you know, it'll be
3 IUM or IAS or whoever.

4 A. Identifying the names?

5 Q. Yes, yes.

6 A. I joined the company in 1991. I joined Interocean
7 Management, IOM. Some years later, they changed their name to
8 Interocean Ugland Management when they took on a partnership with
9 the Ugland Group out of the UK. Stayed that way for a while. I
10 forget how many years. We changed our name again to American --
11 I'm sorry -- Interocean American Shipping, and then in 2012 or
12 '13, I think it was, we changed it to TOTE Services.

13 Q. And you mentioned that you left in March -- on March 31st of
14 2014?

15 A. That's correct.

16 Q. And you said that you were dismissed?

17 A. Yes.

18 Q. Okay. And --

19 A. I was laid off.

20 Q. Laid off. Okay.

21 A. Laid off.

22 Q. When -- let me back up a little bit. The structure of
23 Interocean American Shipping, that was the last entity before it
24 was bought by -- became TOTE Services?

25 A. Yes.

1 Q. Could you tell us what the structure, overall structure of
2 the company was, you know, the personnel shore side?

3 A. We had approximately 40 people in the office, senior
4 management, managers. I put myself probably on the manager level,
5 and then there was support services like purchasing, payroll,
6 personnel, crewing and accounting.

7 Q. Those are the ones? Okay.

8 A. Yeah.

9 MR. KUCHARSKI: Let me stop there for a minute to go to
10 Captain Neubauer, see if you have any questions and then -- you
11 know, related to Captain Rogers background or the company, and
12 then we'll ask those on the phone, too, if they have any
13 questions.

14 CAPT NEUBAUER: I don't have any questions at this time.

15 MR. KUCHARSKI: No. Anyone on the phone have any questions
16 related to what I just asked Captain Rogers or Captain Rogers'
17 answers?

18 MR. [REDACTED] Mr. Kucharski, this is Mr. [REDACTED] with the
19 Coast Guard.

20 BY MR. [REDACTED]

21 Q. Captain Rogers, did you have any involvement in -- and we'll
22 go into more detail later, but you mentioned crewing. Did you
23 have any involvement with selection of senior officers for vessels
24 under the TOTE Services umbrella towards the, you know, maybe the
25 year or two leading up to the time you left the company?

1 A. I worked very closely with the VP of human relations,
2 Mr. Robert Rogers, no relation. We talked about everything
3 because he was the claims manager in addition to being the
4 personnel VP, and what we did was so intertwined that we consulted
5 each other on virtually every topic.

6 Q. So you would be -- when an individual came in as a potential
7 candidate for employment within the organization, you would be
8 involved with the review of the resume and background to determine
9 the suitability for employment by TOTE on one of their vessels.
10 Would that be a correct statement?

11 A. Yes, in that not everybody came in. As a matter of fact, the
12 number of people that actually came in for face-to-face interviews
13 was relatively small, but I would sit in on those interviews and I
14 would certainly have my input and my comments.

15 Many times we hired people known to us and we would promote
16 primarily from within because it was an extremely effective
17 practice and the people we promoted were known to us through our
18 interactions, and certainly it would be discussed between Bob,
19 myself and whoever the company representative was for the
20 particular vessel. We discussed the pros and cons of individuals
21 that were going to be placed in different positions, discussed our
22 interactions looking backwards, whether they were -- whether the
23 individual was suitable for the position, whether they had issues
24 or whatever, and try and provide the customer with the best fit
25 for their operation.

1 Q. All right. Thank you, sir. I'll revisit more on that in
2 another section depending on the flow of our conversation today,
3 but thank you very much, sir.

4 A. Sure.

5 MR. [REDACTED] Thank you, Mr. Kucharski.

6 MR. KUCHARSKI: Yes, sir.

7 Anyone else on the phone?

8 Okay. This is Mike Kucharski continuing.

9 BY MR. KUCHARSKI:

10 Q. Harry, were you offered a job at TOTE Services?

11 A. Yes.

12 Q. And what position were you offered, do you recollect?

13 A. Operations manager.

14 Q. I hate to jump back to a question that was asked earlier
15 about structure at InterOcean American Shipping. When you were
16 ops manager for them, did you have a port captain beneath you?

17 A. It was a -- there was a gentleman, Mr. Vince Corry, as ops
18 manager, who -- I had part of his time. He was not a direct
19 report to me in all areas, just in some areas. And I eventually
20 -- he eventually took on the title of -- several titles, one of
21 which was safety director, and he took over the -- some of the
22 correspondence from the vessels having to do with safety meetings,
23 near misses, accident investigations, and doing the quarterly
24 newsletter.

25 Q. And, Harry, this is Mike Kucharski again. When did you

1 become involved in the management of the *Northern Lights*?

2 A. About 1995.

3 Q. Okay. Would you say that was when it came out of the
4 shipyard after the stretching?

5 A. I believe it was after the lengthening of the vessel down in
6 Mobile.

7 Q. Okay. And then you continued to be involved in the
8 management when it became *El Faro*?

9 A. Yes.

10 Q. And can you describe your involvement with the management of
11 the *El Faro* and if this -- and -- well, I'll stop there. I have a
12 follow-on to that, but can you describe your involvement in the
13 management of *El Faro*?

14 A. We were listed on the document -- certificate of inspection
15 as the operator of the vessel, and as such, we were involved in
16 virtually all aspects of the operation of the vessel except for
17 engineering. We provided oversight. We worked with the port
18 engineers in the Jacksonville office and on all topics. It was a
19 very fluid relationship. The different people who have held that
20 position were excellent people to work with. There was never any
21 hostility between the people in the Jacksonville office and the
22 people in the Jersey office. At one point they were our employees
23 and that changed. That changed, they became SeaStar employees.
24 But the relationship between the operations group in New Jersey
25 and the folks at the port there in Jacksonville was very fluid.

1 We talked about virtually everything. There was no barriers. It
2 was a very, very smooth operation.

3 Q. And you mentioned -- I'm sorry. Did I cut you off?

4 A. No.

5 Q. You said that the -- was it Interocean's, the management was
6 on -- did not include engineering; is that correct?

7 A. It transitioned. It transitioned I'm going to say
8 approximately 2005. It transitioned away from being a full
9 technical management by Interocean American Shipping to kind of a
10 split operation in that everybody was doing the same thing, the
11 paychecks just came from a different direction for the people in
12 the Jacksonville office.

13 Q. And the Jacksonville people were part of SeaStar at the time?

14 A. Yes.

15 Q. Okay. So did this management of the *El Faro*, were there
16 other vessels besides the *El Faro* that were part of that
17 operation?

18 A. The *El Morro* and the *El Yunque*.

19 Q. Okay. Was your management of those ships different, the
20 services that you provided for those ships different from what you
21 provided to other companies' ships that you managed?

22 A. Each of our customers got slightly different services but not
23 substantially different. It was -- from my vantage point and my
24 interaction, I did virtually the same thing for all the vessels
25 under our management.

1 Q. Did Interocean provide, say, engineering services to other
2 ship operators or owners, I should say, during the time that you
3 were providing just the deck side or the non-engineering to
4 TOTE --

5 A. Yes.

6 Q. -- to SeaStar? Okay. And so Interocean also had an
7 engineering department?

8 A. Yes.

9 Q. And who was the head of that engineering department?

10 A. Mitch Walker.

11 MR. KUCHARSKI: Okay. I'm going to stop there to see if
12 there are any questions. Captain Neubauer, in the room?

13 CAPT NEUBAUER: This is Jason Neubauer.

14 BY CAPT NEUBAUER:

15 Q. Harry, were you based in New Jersey the whole time?

16 A. Yes.

17 Q. Was there ever any talk of you moving offices down to
18 Jacksonville? Was that part -- was that ever discussed prior to
19 your leaving the company?

20 A. That was the primary reason I had to leave the company
21 because I wouldn't move down to Jacksonville.

22 CAPT NEUBAUER: Okay. That's the only questions I have.

23 MR. KUCHARSKI: On the phone, any questions related to what
24 was just asked?

25 UNIDENTIFIED SPEAKER: No questions yet.

1 MR. KUCHARSKI: Okay. This is Mike Kucharski continuing.

2 BY MR. KUCHARSKI:

3 Q. Harry, I'm going to shift gears a little bit now into more
4 specific areas. I'd like to discuss stability of the vessels and
5 particularly GM margin. Are you familiar with the term GM margin?

6 A. Yes.

7 Q. Would you say that it's a fair assessment to say that the
8 margin is over your actual GM, over and above what is the required
9 GM?

10 A. Yes.

11 Q. Okay. Was there -- did you ever discuss GM margins on any of
12 the vessels, not just the *El Faro* or the Ponce Class vessels, but
13 any of the vessels? Did you ever discuss GM margins with any of
14 the personnel on board your ships?

15 A. Yes.

16 Q. Okay. Can you elaborate a little bit on that and tell us,
17 what you can recollect, what ships those were?

18 A. Virtually all the ships that I did ISM audits on. One of the
19 things I would look at on every audit was the stability printout
20 for -- I'd look for three things in particular. I'd look to see,
21 number one, that the captain had signed it prior to departure.
22 I'd look at it to see -- I'd do a little spot check to see if it
23 represented actuality, and I'd also match it against the stability
24 book for reserve GM, or margin GM, to make sure that what was
25 calculated -- because what the shift left with and, in many cases,

1 we'd look at fuel burn-off and make sure that the vessel arrived
2 with -- was going to arrive at the port with sufficient margin
3 based on the stability book.

4 And after I had done it so many times, I got quite familiar
5 with the characteristics of each of the vessels and I -- it was
6 still part of the audit. I made sure it was done. I made sure
7 the margins were there. I made sure that the fuel burn-off wasn't
8 going to exceed the -- and reduce the margin to an unacceptable
9 level during the voyage.

10 Q. Was there any suggested margin that Interocean had for a
11 particular vessel?

12 A. The margins are laid out hard and fast in the stability book.
13 Yeah, that's all there is to say. It's not a policy thing. It's
14 not a subjective thing. It's an absolute.

15 Q. Was the margin ever increased at any time for vessels, say,
16 during heavy weather or any other specific instance that you can
17 remember?

18 A. There were situations where vessel cargo configuration was
19 changed to get the weights down lower, particularly on the TOTE
20 ships going up to Alaska, and consideration was given to the
21 SeaStar ships of getting your weights lower during the hurricane
22 season. That was typically done by the stevedoring groups, and
23 they were just on automatic on that, and it resulted in sufficient
24 margins.

25 Q. Did you take place in those discussions at all?

1 A. No.

2 Q. And how did you learn about them, the increases in the
3 margins?

4 A. Discussions with the captains. There was a significant
5 amount written for the TOTE vessels going up to Alaska about
6 winter operations, extra lashings, instructions to get your
7 weights lower. It was all pretty well documented in the
8 instruction manuals on the vessel. And the people in Tacoma and
9 the people in Jacksonville, stevedore groups, they were good about
10 it. They understood what the objective was.

11 Q. Did the masters, did they bring any concerns after the Ponce
12 Class vessels were changed a little bit with the putting of
13 containers on board? You know, there was a conversion or a change
14 made to where they went, you know, from straight Ro-Ro to
15 container and roll-on/roll-off? Are you familiar with what I'm
16 talking about?

17 A. Yes. Herbert Engineering, I believe, was the group that was
18 involved in redoing the stability books for the vessels, and we
19 had the CargoMax program on there also. And there was a good
20 degree of confidence in the changes to the stability book and the
21 CargoMax program, because if you put your numbers in you were
22 pretty close to your drafts fore and aft, and you don't get to
23 those numbers by accident.

24 Q. Did any of the masters mention any difference in the GM
25 margins from after the conversion from before the conversion?

1 A. No, not that I remember.

2 Q. So the -- and the masters didn't express any concern with the
3 vessel stability after the containers were added?

4 A. As I recall, like I said, the degree of confidence in the
5 changes to the stability book and the matching up to the CargoMax
6 program were close enough to give everybody that reasonable --
7 reasonable confidence.

8 Q. Were you involved with the operation after Horizon Lines
9 stopped operating on the Puerto Rican run?

10 A. What date was that?

11 Q. I don't recollect exactly.

12 A. Neither do I.

13 Q. Okay. So you don't know if you were there when that
14 happened? You don't recollect while you were with them -- I'm not
15 asking about a particular date, but you don't recollect that
16 occurring while you were there?

17 A. The demise of Horizon Lines was like the death of Rasputin.
18 It drug on for so long, I just forget when it stopped.

19 Q. Did the masters mention any change in the load factors while
20 you were at Interocean before you left?

21 A. Cargo configurations and cargo total tonnage changed a lot
22 over the years as the cargo configuration evolved and grew. The
23 rum tanks were a big addition. That was a big deal. That
24 contract went away. Some things got changed around. At different
25 times, different seasons, the load factors were heavier and other

1 times the load factors were relatively light.

2 But with -- I know that the Horizon issue did cause a lot of
3 carriers to come over to SeaStar, and SeaStar was very
4 aggressively pursuing new business, which they did through
5 attempting to open up the Philadelphia market to the trade. And
6 the loads -- there wasn't a whole lot of consistency in the loads
7 and the types of cargo, but there were times when I've observed
8 that the stability margin was very close to the maximum or the
9 minimum rather, better said, were very close to the minimum
10 allowed. But it was always looked at -- when I looked at it, it
11 was always looked at, what's your stability upon arrival, not upon
12 departure. That was part of every ISM audit.

13 Q. And did you ever notice that the vessels came very close to
14 stability on arrival?

15 A. There were times when it was close, but it was acceptable.
16 That's why you have a margin. That's why the safety margin's
17 built in.

18 MR. KUCHARSKI: Let me stop there and ask, Captain Neubauer,
19 do you have any questions regarding stability or stability
20 margins?

21 CAPT NEUBAUER: Yes.

22 BY CAPT NEUBAUER:

23 Q. Harry, did you ever see an instance where a Ponce Class
24 vessel arrived in Puerto Rico in its -- within its required
25 stability margin, and where they wouldn't be off the margin and

1 actually went into their required stability --

2 A. In my observation, no.

3 Q. And you mentioned that you met with some or talked with some
4 of the masters about the margin. Did the masters ever bring any
5 concerns to you in regards to like vessel handling as they were
6 coming into Puerto Rico?

7 A. We would talk about vessel maneuvering, vessel
8 characteristics, but I don't remember anybody ever saying that
9 there was a problem with the maneuvering. Vessels were usually
10 trimmed a couple feet by the stern on arrival. That was the goal,
11 and they -- no. No, the answer -- sorry for the long answer, but
12 the answer's no.

13 Q. They never used a term like the vessel would become tender
14 towards the end of the voyage?

15 A. No, no.

16 Q. When you had the discussions with the masters about the
17 stability margin, did you come up with the margin of .5 feet as a
18 -- as the desired margin to have at all times?

19 A. It's a function of the curve found in the stability manual,
20 and you have to look at your displacement and you have to look at
21 -- you have to look at the manual and read it off the graph to see
22 what it is for that given displacement.

23 CAPT NEUBAUER: Thank you. Those are the questions I have.

24 MR. KUCHARSKI: On the phone, do we have any questions
25 related to stability? Eric -- I'll start off with NTSB, rather.

1 BY MR. STOLZENBERG:

2 Q. Yeah, good morning, Mr. Rogers. Eric Stolzenberg. Just to
3 follow up on the 0.5 foot margin that Captain Neubauer asked
4 about. It wasn't clear to me whether you chose the margin or
5 whether we can find that margin specifically in a stability book.
6 Could you elaborate?

7 A. Yes. It's a fact. It's not a guess. It's not an
8 estimation. It's a fact that you read off the curve in the
9 stability book as a function of your deadweight.

10 Q. And you -- which stability book are we talking about? To
11 which vessel?

12 A. All of them. All three Ponce Class vessels.

13 Q. Okay. And the configuration they're in at that time, would
14 this be the Ro-Ro or the Con-Ro configuration?

15 A. Con-Ro.

16 MR. STOLZENBERG: Okay. Thank you. That's all.

17 MR. KUCHARSKI: And anyone else on the telephone that has
18 questions? Coast Guard, anyone from the Coast Guard?

19 CDR [REDACTED] Yes, this is Commander [REDACTED] [REDACTED]

20 BY CDR [REDACTED]

21 Q. Captain Rogers, you stated earlier that there was a
22 significant amount written down for the vessels in Alaska
23 regarding putting weights down lower and things of that nature.
24 Is there anything similar written down for vessels on the San Juan
25 run?

1 A. I believe that would have been contained in the vessel
2 securing manual, which became a --

3 Q. That manual went into placement of heavier weights down
4 lower?

5 A. I believe so.

6 CDR [REDACTED] Thank you, sir. That's my only question on
7 this particular topic.

8 Mr. [REDACTED] any questions?

9 Nothing further from us on the phone.

10 MR. KUCHARSKI: This is Mike Kucharski. I'd like to follow
11 up. When you said the securing manual, are you talking about the
12 cargo securing manual?

13 CAPT. ROGERS: Cargo securing manual, yes.

14 MR. KUCHARSKI: Thank you.

15 To TOTE or -- do you have any questions?

16 CAPT. LAWRENCE: No, sir.

17 MR. PETERSON: This is Lee.

18 BY MR. PETERSON:

19 Q. Hey, Harry, just to clear, I heard there's a question about
20 Ro-Con versus Ro-Ro. The original ships -- isn't it true that the
21 *El Morro* and the *El Yunque* came over to us Ro-Con ships?

22 A. I'm thinking back. That happened in 1999, and I believe the
23 modification was made very early on in the program. That's a
24 long --

25 Q. Thinking back, could they have been Ro-Con ships under

1 Matson?

2 A. Yes, they were Ro-Con ships under Matson. You're correct.
3 What they did was, when they got to Florida, the deck was
4 reconfigured for the different size containers that were in the
5 U.S. to Puerto Rican trade, and it required a significant
6 reworking of the securing patterns on the main deck.

7 MR. PETERSON: Thank you, Harry.

8 MR. KUCHARSKI: HEC?

9 MR. SCHILLING: Yes.

10 MR. KUCHARSKI: Herbert Engineering, sorry.

11 MR. SCHILLING: That's all right. Spencer Schilling, Herbert
12 Engineering.

13 BY MR. SCHILLING:

14 Q. Captain, we were just talking a minute ago about stability
15 margins. I just want to clarify the terminology. When you're
16 referring to the curves in the trim and stability book, those were
17 curves that required GM, required intact GM; is that correct?

18 A. Yes.

19 Q. Okay. And then the stability margin, was the stability
20 margin applied above that requirement? In other words, guidance
21 to the ship to carry GM greater than that required value that's in
22 the T&S booklet?

23 A. Yes.

24 MS. SCHILLING: Okay. Thank you.

25 MR. KUCHARSKI: Okay. This is Mike Kucharski continuing.

1 BY MR. KUCHARSKI:

2 Q. Captain or Harry, do you want to take a break at any
3 particular time?

4 A. No.

5 Q. You mentioned earlier about the genesis of the safety
6 management system that was in place on the *El Faro*, on the TOTE
7 ships. Can -- I'd like to revisit that. Did you say you did most
8 of the putting together of the OMV, say, the operations manual of
9 the vessel?

10 A. Yes.

11 Q. And would that also include the emergency manual, too, for
12 the vessel?

13 A. Emergency preparedness manual, yes.

14 Q. Were these previously Interocean documents or were they
15 Interocean documents?

16 A. When I started to put this together, in '94, '95, I took the
17 existing Interocean documents and later some of the TOTE documents
18 and incorporated them into the operations manual for the vessel,
19 the OMV. And we're required by the ISM Code to include many more
20 issues, and it grew over time as we -- as new requirements come
21 into force, as we incorporated lessons learned, incorporated
22 policies that we learned, needed to be in there, it grew beyond
23 the scope of what is marginally required for ISM. It became truly
24 our company operating document and it covered a very wide range of
25 topics.

1 But when you say the OMV, you got to remember that was -- it
2 was a series of manuals, some of which were controlled documents,
3 some of which were not. And what we did was we standardized the
4 recordkeeping for critical documents in such a way -- actually we
5 grouped them by MARPOL section: ballast, garbage, et cetera.
6 Training had its own book. So that when the auditors come on
7 board, when the regulatory folks come on board, port state, flag
8 state -- they all ask to see the same thing every time anyway, so
9 we would just make sure that it was collected and presented in the
10 most functional way, and it served our vessels and our customers
11 very well.

12 Q. You -- this is Mike Kucharski. You mentioned controlled and
13 those that were not controlled. Can you give us some example of
14 those that were not controlled?

15 A. Not controlled documents would have been the training
16 addendum, the ballast water management, the garbage book, the --
17 those three in particular, yeah. Yes.

18 Q. Were there separate manuals, type of instruction manuals,
19 operations manuals for a vessel or SOPs, if you will, something in
20 addition to the OMV?

21 A. Yes, there was -- we had customer-specific addendums. For
22 example, the TOTE vessels out in Alaska, we incorporated all of
23 the memos to masters that were published by Mr. McGee. We
24 incorporated all those. We incorporated -- we called it the TOTE
25 addendum, and we also had another volume called the TOTE ops

1 memos. Each customer had its own ops memo book. We had a general
2 ops memo book and a customer-specific ops memo book.

3 The purpose of ops memos was to publish interim policy
4 statements in between revisions of the entire manual. And as soon
5 as we would incorporate the policy statements or requirements into
6 the update, we would then cancel the ops memo so that it didn't
7 exist in two places. So the ops memo book was typically pretty
8 thin, thinner the better, but during the course -- and we
9 typically updated about once a year. It's a big undertaking, and
10 the ops memo could be turned around very quickly, and many of them
11 were customer specific.

12 So that process worked well. We had, again, two ops memo
13 books for each vessel companywide and customer specific.

14 Q. You mentioned TOTE addendums. Is that separate from ops
15 memos?

16 A. The TOTE addendum, yes, was a separate binder, as I recall,
17 that pertained to the Alaska vessels. And that primarily was put
18 together because there was a relatively large collection of what
19 we called memorandums to masters. And this goes back a long time,
20 but the document control requirements of the ISM pretty much
21 demanded that -- as a matter of fact, I'm pretty sure it was
22 brought up in an audit, that this is not a controlled process and
23 it needs to be controlled so that everybody's reading off the same
24 page.

25 And I worked with the office staff out there at TOTE. I

1 worked with the captains, and I got their input to make sure that
2 -- because some of these notice to masters were quite old, and we
3 come up I think with a pretty tight document after that, that
4 reflected reality on board the vessels as it pertained to that
5 particular customer.

6 Q. Did SeaStar -- was there a -- were there addendums to the
7 SeaStar OMV, if you will?

8 A. We had a SeaStar ops memo book.

9 Q. And the SeaStar ops memo though, if I understand the process
10 correctly for the ops memos, eventually they were incorporated
11 into the OMV?

12 A. The companywide ops memos were incorporated into the OMV.
13 The customer specifics -- specific ops memos were standalone. It
14 was no sense cluttering up the SeaStar book with a bunch of Alaska
15 directives and vice versa, and if it's too cluttered, people won't
16 pay attention to it. It's got to be pertinent, and it's got to be
17 -- it's got to represent their reality or they'll just ignore it.

18 Q. Okay. But the SeaStar, they weren't involved in the Alaska
19 run?

20 A. No, they were not.

21 Q. Okay. So I just want to be clear on that. So there were
22 SeaStar though -- to your recollection, SeaStar ops memos that
23 were standalone?

24 A. Yes. Yes, there were some, not a lot. There were some.

25 Q. And they were not included -- the company-specific ones were

1 not included eventually in the safety management system?

2 A. Well, they were part of the safety management system
3 incorporated by reference, but once again, the whole goal was to
4 make the literature on board pertinent to the vessel. We had one
5 document of compliance covering all of our vessels, and we needed
6 one system to which the requirements of the document of compliance
7 matched up with. And then we also had a service to customers
8 separately to make sure that whatever the customer wanted was put
9 out as a required policy, had a place to live. We got receipt
10 that the individuals received them on board, and I would look at
11 these things during audits to make sure people's ops memos books
12 were correct and up to date and whatever needed to come out,
13 coming out, and whatever missing was supplied.

14 Q. Okay. I guess I misspoke. I said wasn't part of the safety
15 management system. I realize it's part of safety management, but
16 they weren't part of the OMV, the separate ops memos, the company-
17 specific ones?

18 A. Incorporated by reference.

19 Q. Incorporated by reference. Okay.

20 MR. KUCHARSKI: I do have specific questions about auditing,
21 but before I do that, or when I go into that, are there any
22 general questions about the safety management system that was in
23 place? Captain Neubauer?

24 CAPT NEUBAUER: I'm going to wait for the audit section.
25 Thank you.

1 MR. KUCHARSKI: On the phone, are there any questions?

2 CDR [REDACTED] Not at this time, the Coast Guard on the phone.

3 MR. KUCHARSKI: Okay. I don't hear any questions. I'll move
4 on.

5 BY MR. KUCHARSKI:

6 Q. Harry, you mentioned about monitoring the positions of the
7 vessels. So Interocean had a person like yourself or someone else
8 that monitored the positions of the vessels; is that correct?

9 A. Yes.

10 Q. And how did you actually monitor the positions of the
11 vessels?

12 A. It was a requirement for every vessel to communicate at least
13 once a day while at sea, and that was a noon position, and there
14 was arrival and departure messages that were mandated as part of
15 the ISM. And as these messages would come in, they'd come into a
16 distribution group which kept the appropriate people for each
17 customer informed, and I was on each one of those lists. It come
18 by me, and I would update the position report several times during
19 the day. As the messages came in, I'd update them. I'd update
20 them many times at home over the weekend. You just -- you've got
21 to know where they are. You've got to know who's coming and
22 going. You've got to -- you've just got to know.

23 And what we did was we archived. At least once a day, we
24 archived the position sheets to a predetermined location on the
25 computer and I believe we kept those -- 3 or 4 years' worth. They

1 took up enormous computer space, but we would -- I would take
2 yesterday's file and I would overwrite it and just save it as a
3 new name, current date. And then, like I said, those messages
4 would come in almost continuously, arrivals, departures, and then,
5 of course, you'd get a spat of noon positions depending on the
6 time zone ships were in. But like I said, I would update that
7 sheet. And in my absence, the sheet was updated by my part-time
8 assistant, Mr. Corry. Sometimes it was updated by our IT fellow,
9 Mr. Sharock (ph.), but it could be -- and sometimes one of our
10 assistant port captains, Ms. Cadorette, would update the sheet if
11 I was out of pocket or if it was difficult for me to do it on the
12 road. But we knew where they were all the time.

13 Q. Did this -- this is Mike Kucharski. Did this process change
14 in any way when the vessels were in and around heavy weather or
15 getting things set to -- as they approached heavy weather? Heavy
16 weather, a storm, if you will, hurricanes, typhoons. Did that --
17 did the monitoring change?

18 A. Yes.

19 Q. Okay. Could you elaborate on that? How did it change?

20 A. Specifically for the SeaStar ships, when -- we would monitor
21 the weather every day knowing full well that they're looking at it
22 on the ship, they're looking at it in Jacksonville, but we
23 monitored it in the New Jersey office. We would use primarily
24 Weather Underground. They got the best maps. They just do.
25 They're wonderful.

1 We'd print the maps out. I'd print them out every day that
2 there was anything on the horizon, and they were posted outside my
3 office. Sometimes as the storm came closer, several times we'd
4 post the updates as soon as they were -- as soon as they became
5 available, and we'd monitor the position of the vessels as it
6 relates to incoming storms.

7 We would -- if there was anything close to impacting the
8 vessels, we would communicate with the vessels to make sure that
9 they knew what we knew. Some -- most times I did that myself.
10 Sometimes it was done as a group call. There have been times when
11 myself, Bob Rogers and Mitch Walker were on a call wanting to know
12 what the captain's plans were. We watched it very, very closely.

13 Q. So did someone from the office initiate that call?

14 A. Typically I would call the captain and just inquire as to
15 what the captain's plans were. Nobody likes to be challenged in
16 their decisions, and it was easy enough to call and say, what's
17 your plan? And in almost every circumstance that I can remember,
18 we'd say, captain, that's a great plan. But we knew and they knew
19 that we knew.

20 Q. Did you maintain any kind -- or did you maintain at any time
21 a physical plot of that vessel as it was approaching a particular
22 storm?

23 A. Well, when I did the printout of the Weather Underground
24 charts, we'd put the vessel's approximate location at that time on
25 the charts, and I'd tape them up on the wall outside of my office.

1 You know, we all saw them. The company president, whenever he
2 knew there was weather happening, he'd be down at my office
3 wanting to know where the latest chart was, where are the ships,
4 where's the storm. That would have been Jorge Aguirre. It's
5 something we watch very closely.

6 Q. Well, what was Jorge -- briefly, what was Jorge Aguirre's
7 background?

8 A. Jorge had sailed as captain on Spanish flag vessels and he
9 came ashore to help Interocean Management back, I guess, in the
10 late '80s with a project they had and he ended up just -- when
11 that project went away, he stayed.

12 Q. Thank you. So back to -- you said that you would physically
13 put a position of a vessel down on this chart that you had printed
14 up.

15 A. An approximation, yes.

16 Q. An approximation. Did you ever put a -- run up any DR, say,
17 a dead reckoning position or -- based on hours down the line or
18 the projected motion of a storm, match it against?

19 A. Well, the Weather Underground charts do that for you. They
20 give you the position and the cone of likely positions in --
21 ringed in hours or days or whatever. Like I said, they're without
22 a doubt the most useful pictures you can find as it relates to
23 tropical storms.

24 Q. So your answer was that as far as the position of the vessel,
25 say, 12 hours, 6 hours, would you look at that, plot that in any

1 way?

2 A. Typically what I would do is plot the position, the
3 approximate position to match the time of the update and just put
4 a general arrow, whether she was northbound or southbound.

5 Q. Okay. The process of calling out to the vessels, was that
6 something that was captured in any kind of a document or ops memo
7 or anything like that?

8 A. No.

9 Q. Then why was it decided to go ahead and then reach out to the
10 vessels? How was that decision -- what drove that decision?

11 A. The vessels didn't take their day-to-day orders from the New
12 Jersey office. They took them from the Jacksonville office.
13 There was no deck people in the Jacksonville office. We
14 ostensibly were the operations group for the vessels. It was our
15 responsibility. We watched it carefully.

16 Q. Was there any document sent to the masters of the vessel, any
17 kind of a hurricane plan or to-do items if a hurricane approached?
18 Is there -- was there any documents sent out to the vessels that
19 you recollect?

20 A. Yes.

21 Q. Was that sent out to all the vessels?

22 A. It was sent out to the SeaStar vessels because that plan was
23 peculiar to those vessels, and in the early part of the operation
24 of the vessels in the early '90s, we came up with a -- when I say
25 we, the collective Interocean/SeaStar people and with input from

1 the captains, we developed a hurricane plan. It was pretty
2 simple. It was really very, very simple. And what I would do is
3 each year I'd send out a reminder at the beginning of hurricane
4 season hitting on the high points of the plan, which were, like I
5 said, simple.

6 Number one, during hurricane season, you're supposed to carry
7 3 days' full steaming bunkers in addition to your load. Number
8 two, schedule is secondary to the safety of the vessel. You've
9 got multiple options for transit. You can go over top of the
10 Bahamas, you can go down the Florida coast, you can go down Old
11 Bahama Channel. If you get down Old Bahama Channel, and you got a
12 storm racing up at you, you can always go west. There was always
13 an escape route to the plan.

14 And the extra bunkers, the concept there was if you're -- if
15 you head west out of -- I'm sorry -- east of Jacksonville, and you
16 got chased by a rogue storm, 3 days' full steaming bunkers could
17 almost get you almost halfway across the ocean at economy speed.
18 You'd always get back.

19 Q. And this you say was a fairly -- I'm sorry. Were you
20 finished?

21 A. That's it, yes.

22 Q. You say it was a fairly simple plan. It was some kind of a
23 document that was just sent out to the SeaStar vessels? Were
24 there other vessels that -- besides the SeaStar vessels that that
25 went out to?

1 A. No. Each customer would have its own heavy weather guidance.
2 For example, when we operated the ARC ships, we didn't produce a
3 special volume for them because they were part of the Bon Voyage
4 routing system because they were traveling transatlantic and we
5 kept tabs on what they were doing. We kept tabs on the weather,
6 and we talked to them if we had any questions. But the Bon Voyage
7 system was a routing system and it was -- it was good. It was
8 really, really good. So the guidance I believe was pay attention
9 to Bon Voyage.

10 Because there's two types of hurricane plans. There's the
11 underway plan and there's the in-port plan. In the United States,
12 the in-port plans are pretty much guided by the captain of the
13 port requirements and directives. So we spent a lot of time
14 looking at those for the MARAD vessels, and we had to make sure
15 that we complied with all the elements of the in-port plan.

16 Q. Okay. This is Mike Kucharski. Some points of clarification.
17 You said ARC, American Roll-on/Roll-off Carriers?

18 A. Yes, sir.

19 Q. And when you say BVS, that was Applied Weather Technologies
20 Bon Voyage System.

21 A. Yes.

22 Q. Okay. And you mentioned weather routing or weather routing.
23 Was that a separate function that was added on to the BVS
24 subscription, do you recollect?

25 A. I don't recall.

1 Q. But you recollect that they had weather routing?

2 A. Yes, they did.

3 Q. And this -- again this hurricane plan or this document that
4 was sent out to the SeaStar vessels, you say it wasn't part of the
5 OMV. It was -- but was it a company-specific type, like you
6 mentioned ops memos or company-specific ops memos? Do you
7 recollect if it was a company-specific ops memo?

8 A. The original plan predated the ops memos and I don't know if
9 it was ever incorporated into the ops memos or not.

10 Q. Or as an addendum?

11 A. I don't recall.

12 MR. KUCHARSKI: Okay. I'm going to stop there and see if
13 there are any questions. Captain Neubauer?

14 CAPT NEUBAUER: Yes, sir.

15 BY CAPT NEUBAUER:

16 Q. Do you know the spelling of Mr. Aguirre's last name?

17 A. A-g-u-i-r-r-e.

18 Q. You mentioned that there were no deck people in the
19 Jacksonville office while you were in New Jersey. Do you know who
20 took over your position when you left the company or who took over
21 the duties of the deck side?

22 A. I don't know.

23 Q. You didn't personally train anyone or do a pass-down to
24 somebody when you departed?

25 A. Yes, I did.

1 Q. Who did you train?

2 A. Captain Lawrence. But once I left, I don't know what his
3 specific duties were.

4 Q. Was it your understanding that he would perform the deck side
5 duties that you were -- that you had previously performed?

6 A. I prepared turnover notes and spent over a month showing him
7 all of the things that I did. I give him written handover notes,
8 did everything I possibly could to impart my job to him. Once I
9 left, I don't know what happened.

10 Q. Did he shadow you for a month in New Jersey?

11 A. We spent a lot of time together, yes, sir.

12 CAPT NEUBAUER: Thank you. Those are my questions.

13 MR. KUCHARSKI: On the telephone? Coast Guard, starting with
14 Coast Guard.

15 BY CDR [REDACTED]

16 Q. Captain Rogers, just a few quick questions. You mentioned
17 the noon report. But technology these days, you can pretty much
18 track a vessel at any given moment using a variety of publicly
19 available websites. Were those ever used to determine the actual
20 location of a vessel at any given time or, you know, you can
21 interpolate between, you know, or dead reckon between noon
22 reports, but were any means used to check up on a vessel on a
23 regular basis?

24 A. From time to time we would look at the SSAS log, but that
25 wasn't that frequent. It was -- we had enough communication from

1 the vessel and it was a required report. It came in, it got
2 processed, it got looked at. It just wasn't that much of a leap
3 to know where the ship was going to be a few hours from then.

4 Q. Okay. Thank you. You mentioned some handover notes when you
5 trained Captain Lawrence. Did you by any chance keep a copy of
6 those when you departed?

7 A. No, I did not.

8 Q. And during that time when you were essentially training
9 Captain Lawrence on your role that he was taking over, what was
10 your general assessment of how you left things, how he would carry
11 the torch, so to speak?

12 A. I have no opinion on that.

13 CDR [REDACTED] Okay. Thank you, sir.

14 MR. [REDACTED] This is [REDACTED] [REDACTED] I have a few questions.

15 MR. KUCHARSKI: I'd just like -- this is Mike Kucharski.

16 Those questions were from [REDACTED] [REDACTED] Commander [REDACTED]

17 [REDACTED] correct?

18 CDR [REDACTED] Yes, I'm sorry. I failed to identify myself.

19 My apologies.

20 MR. KUCHARSKI: No, that's okay. That's okay. I just wanted
21 to -- we all know who it is. It's just the court reporter
22 eventually.

23 Okay. Mr. [REDACTED]

24 MR. [REDACTED] Yes.

25 BY MR. [REDACTED]

1 Q. Mr. Rogers, Mr. [REDACTED] here. A few follow-ups. Just to be
2 clear, in your position, you supervised and provided some level of
3 oversight to not only the Alaskan operations but also the Puerto
4 Rican trade for the Ponce Class ships; is that correct?

5 A. Yes.

6 Q. And then, you know, looking back, talking a little bit about
7 the positions of ships, was it your expectations that the ships in
8 the Puerto Rican trade would tell you the route the vessels
9 intended to take as part of a departure message or some
10 communications with the office? And we're talking about, you
11 know, prior to departing Jacksonville. Would it be your
12 expectations that they would tell you their intended route?

13 A. We always assumed that they would take the most direct route
14 unless there was a reason not to, and if there was a reason not
15 to, we talked to them.

16 Q. Okay. So shifting then to when tropical systems were in
17 development that may affect the voyage, would you expect to have a
18 communication with the vessel prior to departure so that you
19 understood their intended route with regard to the tropical system
20 developing?

21 A. Well, given the geography of the route, you really had to
22 speak to the captain before he got underway, because if you come
23 out of Puerto Rico heading north, it's a decidedly different
24 course to take if you're going to go up Old Bahama Channel or over
25 the top of the Bahamas. The same is true for coming out of

1 Jacksonville.

2 Q. Okay. So at some point prior to departure with adverse
3 weather out there, you would reach out -- either the master would
4 reach out to you or you or someone in your office would reach out
5 to the master to determine what route the captain intended to
6 take. Is that correct?

7 A. Yes, it was typically from New Jersey outward.

8 Q. Okay. So during the same condition where you might have
9 adverse weather affecting the voyage, did you have a position or
10 something similar to a duty officer that was -- where it was
11 absolutely clear cut who was the person that was going to be
12 answering the call from the ship if they needed your assistance?

13 A. We had a system in place. We found the concept of a duty
14 person was inadequate. Murphy's Law being what it is, the one
15 time that the emergency call comes, you're going to be in a tunnel
16 or behind a tree or something like that. We come up with a way so
17 that the emergency response team would be alerted and a live
18 person put through to the emergency caller in all circumstances.

19 Ninety-five percent of the time that was me. I'd get the
20 call, and then it was my job to inform the rest of the emergency
21 response team. And we had a pretty good system. It operated
22 well. It was computer driven through an answering service, and it
23 worked well. And it was an excellent tool to use during an
24 emergency when trying to communicate with other members of the
25 emergency response team and, you know, at a time where, you know,

1 minutes count, and we've had quite a few of those over the years.

2 It was a good system. It may be looked upon by the people on
3 the ship as an annoyance when they didn't get somebody on the
4 second ring, but in reality, we would -- the captain would be
5 talking to or the emergency caller would be talking to a member of
6 the emergency response team in 2 to 3 minutes. Most of the time
7 it was me. But then if I was unavailable, I was traveling or in
8 the air or whatever, obviously the next person on the list would
9 be the person to take the call.

10 And so the concept there was there would never be a time when
11 the captain didn't get a member of the emergency response team
12 within a few minutes.

13 Q. So as a ship would be traveling down its track and
14 approaching a hurricane situation, could you just talk about the
15 -- just give us an example of the frequency you might communicate
16 with the ship on a sat phone to expedite communications?

17 A. In my experience, those issues were settled before the ship
18 left port, and I don't recall any situation with regard to the
19 SeaStar ships where we had to make a in-transit deviation from the
20 agreed upon route.

21 Q. So you talked briefly about the different elements of the
22 hurricane plan and how long that document existed. Do you know if
23 when you turned over and left your position with TOTE, if that
24 hurricane plan was still in effect when you passed it to Captain
25 Lawrence?

1 A. Yes.

2 Q. And the SMS documents, the ops manual and the emergency
3 preparedness manual, they mention that vessels should have vessel-
4 specific heavy weather plans. Were there any vessel specific
5 heavy weather plans for the Ponce Class ships in the Puerto Rican
6 trade?

7 A. Yes.

8 MR. KUCHARSKI: [REDACTED] this is Mike Kucharski. I have a
9 whole line of questions on heavy weather, securement checklists
10 and --

11 MR. [REDACTED] Okay. That's fine. I was looking for the --
12 and we can go there, but those -- that would have been contained
13 in those two manuals.

14 BY MR. [REDACTED]

15 Q. But my final question, Harry, you said in almost all cases,
16 the conversations that you took -- that you had with vessel
17 masters about how they were going to handle, you know, a system, a
18 tropical system, that things went well. Can you remember any of
19 them where shoreside management had to, in essence, dig in and
20 convince a master to take some other either precautions, route
21 deviation, adjust speed or something else, to manage a hurricane
22 or a similar system?

23 A. One time.

24 Q. And?

25 A. I called the captain and I forget which port he was in,

1 Jacksonville or San Juan, and I asked him, very causally, captain,
2 what's your course? He says, I don't report to you. I said, I'll
3 tell you what, you're either going to tell me what your intended
4 course is or I'll have your replacement there in 2 hours, and if I
5 get fired doing it, I'm willing to go down for that. And all of a
6 sudden the conversation got much more cordial and he told me his
7 plan, and I thought it was a good plan and I said good-bye.

8 Q. And this was with respect to a tropical system?

9 A. Yes.

10 MR. [REDACTED] All right. Thank you very much, Harry. That's
11 it for now.

12 BY CDR [REDACTED]

13 Q. Captain Rogers, this is Commander [REDACTED] Just a quick
14 follow-up to that. Which captain was that, that conversation took
15 place with?

16 A. I'd prefer not to say.

17 Q. Which vessel? Can you say which vessel?

18 A. One of the Ponce Class. It was the *El Yunque*.

19 CDR [REDACTED] Thank you, sir.

20 MR. KUCHARSKI: TOTE, questions?

21 CAPT. LAWRENCE: Yeah, this is John Lawrence. I have a
22 follow-up question.

23 BY CAPT. LAWRENCE:

24 Q. Harry, you mentioned that the original simple hurricane plans
25 for the SeaStar ships predated the ops memos. Do you remember how

1 these plans were actually communicated to the vessels before the
2 ops memos?

3 A. It was sent both electronically and physical form to the
4 vessels.

5 CAPT. LAWRENCE: Okay. Thank you.

6 MR. KUCHARSKI: Herbert Engineering?

7 MR. SCHILLING: Yes, this is Spencer Schilling. I have no
8 follow-up questions, and as noted before, I'm going to be on the
9 road now. I'll try to listen, but I won't be able to respond.
10 Thank you.

11 MR. KUCHARSKI: Thank you.

12 Yes, Captain? Captain Neubauer.

13 CAPT NEUBAUER: This is Jason Neubauer.

14 BY CAPT NEUBAUER:

15 Q. Harry, if a vessel ever had to divert underway -- you
16 mentioned it didn't happen, but if ever had to for a storm system,
17 what were your expectations as the operations manager if that had
18 occurred?

19 A. I would expect to get a call.

20 Q. Like a phone call versus an email?

21 A. Yes, a phone call. We made the point in our safety
22 newsletters, in our safety alerts, over and over again, that in
23 the age of communication today there's no reason for the captain
24 to own either a multimillion dollar or life and death situation.
25 Talk to us. Share the decision. I know things you don't know.

1 You know things I don't know.

2 Q. Would you have had to provide the master authorization to
3 make a major deviation?

4 A. No.

5 Q. So was that more of a courtesy to you?

6 A. I expected the call. Did it always happen? No. But I would
7 see that the ship had deviated from the report. I'd call and find
8 out what's going on.

9 Q. But you -- so those are deviations for non-storm related
10 issues that you're referring to?

11 A. Any deviation. There's got to be a reason for it. And the
12 customer is going to want to know, so I better know the answer
13 before the customer asks me.

14 CAPT NEUBAUER: Thank you.

15 MR. KUCHARSKI: This is Mike Kucharski.

16 BY MR. KUCHARSKI:

17 Q. Harry, in these conversations with the masters, were minimum
18 distances to a hurricane ever discussed?

19 A. Not that I recall.

20 Q. Was there any process -- suppose you were on vacation. Was
21 there any process for someone else to generate the phone call to
22 talk to the master?

23 A. At different times, myself, Bob Rogers, Vince Corry or Mitch
24 Walker, we all kept track of these things. We all knew that each
25 other was doing something, was watching it, and Jorge Aguirre was

1 down there making sure that we were on top of it. It's something
2 he was very attuned to, and if I wasn't there, certainly Captain
3 Aguirre had significant amounts of at sea master time and, yeah,
4 there was sufficient backup at all times.

5 Q. And any -- for the questions on hurricane plans, weather
6 routing related questions, I would -- this is Mike Kucharski -- I
7 would like a little bit different -- besides BVS, the Bon Voyage
8 System, were there any other systems used on any vessels,
9 commercial type systems like that? And let me be clear. The BVS
10 system was purchased; is that correct?

11 A. Yes.

12 Q. Were there any other purchased systems that were used by the
13 ships of the Interocean fleet, if you will?

14 A. Purchased. I think there was one other. I don't recall the
15 name but we also, for our government vessels, had to use Navy
16 weather routing.

17 Q. And when you say Navy weather routing, was this basically --
18 I've heard an acronym, OTR. Are you familiar with that?

19 A. OTSR, yes.

20 Q. OTSR. Okay. And do you recollect if the Navy system had
21 parameters in there for sea heights and avoidance, if you will --
22 this is Mike Kucharski continuing -- for avoidance of certain sea
23 heights?

24 A. I don't recall.

25 Q. General question. Back to navigation-related issues, if you

1 will. Who did the master discuss nautical type matters with back
2 at Interocean?

3 A. Typically myself and/or Bob Rogers and/or Vince Corry.

4 Q. And when I say nautical matters, voyage planning, navigation,
5 heavy weather type. Would there be any other type of -- that you
6 could think of, any type of nautical issues that they would
7 discuss -- or you would discuss with them?

8 A. Sometimes cargo issues.

9 Q. Are you familiar with the term the RRDA, the rapid response
10 damage assessment?

11 A. Yes.

12 Q. Did Interocean have this system on any of its ships?

13 A. I believe we're registered with the ABS for the rapid damage
14 assessment for all our vessels.

15 Q. For all the vessels?

16 A. I believe so. That wasn't my function, but I believe that
17 was the case.

18 Q. Whose function was that?

19 A. That would have been engineering.

20 Q. Mitch Walker?

21 A. Primarily, yes.

22 MR. KUCHARSKI: Okay. I would like to -- are there any other
23 questions on either weather or the RRDA?

24 BY MR. KUCHARSKI:

25 Q. I actually do have one follow-on, Harry. Were you ever

1 involved in the use of the RRDA?

2 A. Yes, once.

3 Q. And can you describe that situation?

4 A. The *Cape Mohican* grounded off of Korea. She drug anchor in
5 heavy wind and grounded off of southern Korea, and we had full
6 technical management of the vessel. I was head of the emergency
7 response team and the engineering contingent was involved in the
8 rapid damage assessment for that vessel.

9 Q. Okay. There is -- now I'd like to go to one of the
10 documents. It's the Interocean American Shipping OMV Revision 19,
11 Section 10.13.7.3.

12 A. What was the date of that revision?

13 Q. 2013. Let me see. Let me pull it up. The date of the
14 revision is 3/13. It just says 3/13.

15 A. Thank you. Section number again please?

16 Q. It's on page 2. Are they numbered now?

17 A. No.

18 Q. I don't think they're numbered.

19 A. No. Numbered by section.

20 Q. There's the advantage of PDF. Yeah, it's Section 10.13.7.3.

21 MR. KUCHARSKI: And I'll give those on the phone a little
22 time also to find that.

23 UNIDENTIFIED SPEAKER: Do you know what the PDF page is?

24 MR. KUCHARSKI: Yes, I forgot we have paper here and PDF.
25 It's 206. Sorry.

1 UNIDENTIFIED SPEAKER: Thank you, sir.

2 MR. KUCHARSKI: Sure.

3 CAPT NEUBAUER: Page 22 of 24 for that section.

4 BY MR. KUCHARSKI:

5 Q. And the title of the section is Vessel Safe for Sea
6 (Excessive List).

7 A. Yes.

8 Q. Are you -- you looked this section over --

9 MR. KUCHARSKI: Sorry. Everyone on the phone -- anyone need
10 any extra time?

11 BY MR. KUCHARSKI:

12 Q. Are you familiar with this section?

13 A. Yes, sir, I am.

14 Q. Okay. Did you ever -- did any of the masters ever call you
15 relating to excessive list in port?

16 A. I don't recall.

17 Q. Were you ever involved in any conversations with any of the
18 masters where the vessel developed an excessive list while at sea?

19 A. No. The reason for this passage arose out of a situation
20 with one of the SeaStar vessels in port, not at sea. And that's
21 when we added this piece to the operations manual.

22 Q. And -- okay. So were you involved in the discussions, not
23 personally to this section because it wasn't in place yet, but
24 were you involved in the discussions with either the vessel master
25 or SeaStar about that particular situation where they had an

1 uncorrected list in port?

2 A. Yes.

3 Q. And could you elaborate how the vessel obtained that list?

4 A. It was cargo caused and the imbalance of the cargo in the --
5 the vessel sailed one time with significant list, and when she
6 left port she went right past the Coast Guard station. They
7 looked out the window and wanted to know why it was that way. And
8 thereafter, as a corrective action, we looked at the situation and
9 decided that it needed a piece in the operations manual, and it's
10 something that I focused on for the next year or so during the
11 audits. Whenever we added a new piece to the OMV, I'd always make
12 it part of the audit to make sure it was discussed and explained
13 during the next visit of the vessel. I kept a running list of
14 these things so that people understood why things were included
15 and what we expected to gain from a new policy or procedure.

16 Q. And that -- this is Mike Kucharski -- that incident, you said
17 SeaStar, was it leaving Jacksonville, do you recollect?

18 A. I forget which port.

19 Q. Shifting a little bit back to nautical issues, were there
20 ever any discussions about the anemometers on board the vessels,
21 the SeaStar vessels particularly?

22 A. When I did the audits there was always a bridge portion of
23 the audit to be conducted with the second mate, often with the
24 master in attendance, and we'd review the equipment on the bridge.
25 I would review all the equipment on the bridge and -- for

1 functionality, for most recent maintenance, current battery dates,
2 tests, drills, log entries, annotations on the course recorder,
3 depth recorder, logbooks that pertained to the GMDSS, and as new
4 elements came into use.

5 For example, when the SVDR came into use, we would do
6 instruction to make sure that they understood exactly how the
7 things operated, what it took to -- I use this as an example --
8 what it took to reset them, how they were limited while it was
9 waiting to be reset. That's an example. And as new things would
10 come on board, I'd make it part of the audits to make sure that it
11 wasn't just an audit but it was an instructional time also, to
12 make sure that people were on board with what we wanted to happen.

13 So anemometers specifically, it was part of the bigger bridge
14 picture.

15 MR. KUCHARSKI: Are you okay for a break? Does anybody need
16 a break?

17 CAPT. ROGERS: I'm good.

18 MR. [REDACTED] Mr. Kucharski, this is Mr. [REDACTED] I was
19 wondering if I could ask a follow-up on the excessive list issue?

20 MR. KUCHARSKI: Yeah, sure. I'm sorry. I'm sorry. Yes.

21 BY MR. [REDACTED]

22 Q. Harry, in mid-September 2015 and on the day of departure for
23 the *El Faro*, the vessel was loaded to a list of an excess of 3½
24 degrees, which were corrected. And my question is, at any time
25 was there a safety oversight or a safety department that looked at

1 terminal operations and how they were conducted in relation to the
2 vessels loading? And the reason I ask that, TOTE Maritime Puerto
3 Rico, which is sort of an outgrowth of SeaStar, does not have a
4 safety function in its corporate structure or organization. It
5 did not at the time of the accident.

6 So when you were there, was there somebody that looked at the
7 safety of terminal operations to protect and ensure the safety of
8 the ship?

9 A. I often interfaced with some of the terminal people, both in
10 Jacksonville and Port Everglades and Philadelphia. For example,
11 one of the vessels, it may have been the *El Faro*, was in
12 Philadelphia and we had a terrible problem with the way the
13 containers were being loaded. And I remember the captain called
14 me and he was a little hesitant to hold up the sailing of the
15 vessel, and the list was completely out of -- not the list, the
16 trim was completely out of hand. I said, captain, take the boxes
17 off and put them where they belong. Just do it. I don't care how
18 much they yell or jump up and down or whatever, you can't sail
19 like that, and that's what happened. Nobody was happy about it
20 except the captain and me, but in the end, that's what happened.

21 Q. And in your audit findings, you listed that these excessive
22 list procedures should be contained in the master's standing
23 orders. Do you recall that?

24 A. I'm reading this section again. That sounds right, but I
25 want -- I just want to see if it's exactly in the -- I'd have to

1 go back and look at the master's standing order section. There's
2 a specific piece on that in Section 6, I believe. There's a list
3 of things that have to be included in the master's standing
4 orders. You know, even after being away from it so long, I still
5 remember the sections. That's really scary.

6 Q. And the only reason I bring this up is I did see it in the
7 audit findings for the *El Faro*, and your expectations would be
8 that this would be contained in the standing orders. I don't want
9 to put words in your mouth, but would that be correct?

10 A. Well, hold on one second and I'll tell you exactly. Sorry.
11 Section 5. Let's try Section 5. There we go, deck department.

12 CAPT NEUBAUER: Can we take 5?

13 CAPT. ROGERS: Yeah, let's take 5 minutes.

14 MR. KUCHARSKI: Okay. Sounds good. We're going to take
15 about a 5-minute break to all those on the phone. I'll leave it
16 muted, but we'll keep the line open.

17 CAPT. ROGERS: I remember that being in there. I just can't
18 put my finger on it.

19 MR. KUCHARSKI: And the time is now 1:23.

20 (Off the record at 1:23 p.m.)

21 (On the record at 1:33 p.m.)

22 MR. KUCHARSKI: We're ready to go back on the air. This is
23 Mike Kucharski, and we're continuing with the interview of Harry
24 Rogers, and the time now is 1:33 Eastern Standard Time on the 23rd
25 of March.

1 Harry, you said you wanted a clarification on that particular
2 section we were looking for, excessive list?

3 CAPT. ROGERS: The question you asked me was whether or not
4 the excessive list considerations had to be included in the
5 master's standing orders, and my answer is yes, and it's laid out
6 specifically in OMV Section 5, Master's Responsibilities, 5.1.1,
7 where it says, "Other sections of this manual that must be
8 addressed in the master's standing orders include" the section we
9 were just talking about, 10.13.7.3, which is the excessive list
10 paragraph.

11 MR. [REDACTED] Thank you very much, Mr. Rogers. This is
12 Mr. [REDACTED] I appreciate that, sir.

13 CAPT. ROGERS: Yes, sir.

14 MR. KUCHARSKI: Any other questions on list?

15 CAPT. LAWRENCE: This is John Lawrence. I had a question on
16 a previous question during this same section, if I can.

17 MR. KUCHARSKI: Yes, John, please go ahead.

18 BY CAPT. LAWRENCE:

19 Q. Yeah, Harry, in a previous question you were asked about the
20 safety oversight of the TOTE Maritime Jacksonville operation, and
21 to your recollection, isn't it correct that SeaStar, which is now
22 TOTE Maritime Puerto Rico, had a management system that was
23 certified ISO 9001, and that they had a full risk management and
24 safety department and their Jacksonville headquarters had the
25 safety oversight of their operations?

1 A. That is correct, yes.

2 Q. Okay. And again, if your recollection is correct, that
3 SeaStar operations was annually audited by TOTE Services,
4 typically by yourself?

5 A. Yes. I performed audits of the remote offices as defined by
6 ABS. I performed those remote audits and gave those reports to
7 Mr. Walker.

8 Q. Okay. Thanks. Because I think in that previous question,
9 the opinion was that there was no safety oversight for the TOTE
10 Maritime operation aside from the TOTE Services. Thank you.

11 A. That was not my opinion.

12 Q. No. No, that was the -- the question, I think the way it was
13 worded to you though. Thanks a lot, Harry.

14 A. Yes, sir.

15 MR. KUCHARSKI: Any other further questions on the phone?

16 This is Mike Kucharski continuing.

17 BY MR. KUCHARSKI:

18 Q. Harry, when you left the company in 2000- --

19 A. '14.

20 Q. -- '14, who was actually -- was the entity still Interocean
21 American Shipping? Did it become TSI at that -- had it become
22 already TSI at that point?

23 A. At some point in 2013, it had changed to TSI. As a matter of
24 fact, the operations manual that we're discussing had to be
25 revised in March of '13 to incorporate the new logo and the name

1 change.

2 Q. So you were still at -- employed by the company while it was
3 TSI?

4 A. Yes, sir.

5 Q. Did interface with the fleet at all change after -- your
6 interface with the fleet -- and when I say fleet, let's be
7 specific. Let me be specific, the SeaStar fleet. Did your
8 interface with the vessels change at all?

9 A. No.

10 Q. Was the -- ever part of the discussion on this hurricane
11 plan, if you will, or these documents that were sent out to the
12 SeaStar vessels, in those documents or in your conversations with
13 the masters, was the decision to sail ever discussed, to sail or
14 not to sail from port?

15 A. Yes.

16 Q. Can you give us any specific -- was it more than once that
17 this occurred?

18 A. Yes.

19 Q. And would this have been the Port of Jacksonville?

20 A. Yes.

21 Q. And can you give us some specifics on what was discussed as
22 far as to sail or not to sail?

23 A. We discussed the route. We discussed the track of the storm.
24 We'd discussed -- at some point the vessels were calling in Port
25 Everglades. I believe on several occasions the decision was made

1 to eliminate Port Everglades. It only happened once or twice, but
2 Port Everglades I believe was bypassed because of extreme weather.
3 And, yeah, the discussion whether or not to leave port, I don't
4 ever remember a time when the ships stayed in port because those
5 vessels are better at sea than they are in port during extreme
6 heavy weather. The goal is always to get out and get away.

7 Q. Why would you say -- how do you know that they're better out
8 of port in heavy weather than staying in port, those vessels?

9 A. Being in port you're subject to not only the effects of the
10 wind, but storm surge and a whole host of problems that can be
11 avoided especially by a high-speed vessel such as the Ponce Class
12 ships by getting out and getting away.

13 Q. Were you involved in any -- when you were working shore side
14 for InterOcean, were you involved in any incidents where vessels
15 were in port where a hurricane or storm beset the port?

16 A. Yes.

17 Q. Can you elaborate on that? What -- was it more than one?
18 Can you give us the instances you recollect?

19 A. It was multiple times. We managed the Maritime
20 Administration vessels, which were primarily in reduced operating
21 status and often unable to get underway in enough time to get out
22 of the way of a storm. That's why, as I said earlier, we had a
23 lot of cooperation and interaction with the local captains of the
24 ports and local in-port hurricane plans, and we tended and looked
25 after several of the Ponce Class vessels when they were laid up in

1 Baltimore. They didn't have crew and they were in cold lay-up.
2 And we had some trouble. We had some trouble.

3 I'm not sure which vessel, but she was tied up at Sparrows
4 Point and we were concerned that the tie-up -- well, it was as
5 best as we could do. We had every bit filled. We had every line
6 out. As I recall, there was over -- it was over 18 pieces out and
7 yet we put people on board. I believe it was Hurricane Isaac. We
8 put Captain Jack Hearn, a mate and an engineer on board to tend
9 the vessel during that hurricane passage. And even though she
10 weathered the storm very well, what she didn't weather so well was
11 the microburst that happened after that, where she severed all 18
12 pieces and blew off the dock into the mud.

13 And so we were involved preventively to try and ensure the
14 safety of the vessel, and I personally, when that happened, I took
15 my truck up to Atlantic Cordage and loaded up all new wire -- not
16 wire rope, but shock cords for the ends of the wire rope. We
17 bought all new wire shock cords, took them down to Baltimore and
18 proceeded to tie up the vessel with existing wires, existing
19 lines, new lines, et cetera. Yes, so we did it there.

20 We were involved with vessels down in the Gulf which could
21 not get underway in time even though they had an ROS crew on
22 board. By the time you know you've got a problem, it's too late.
23 If you're in New Orleans, you have to -- you've got a full day
24 down the river. Once you're manned, stored and ready to go,
25 you're going to spend at least a day sailing into the storm. So

1 you're better off in port in those situations. You're in a
2 corner. The trick is never to be in a corner, but if you're in
3 the Gulf, you're in a corner like it or not.

4 Q. So you mentioned ROS. Is that reserve operating status?

5 A. Reduced operating status.

6 Q. Reduced. Okay. And how about situations where the vessel
7 was in full operating status, which, correct me if I'm wrong, is
8 essentially where it's fully manned and full operating status. Is
9 that correct?

10 A. Yes.

11 Q. Okay. So how about situations where the vessel was in full
12 operating status? Were you involved with any situations where
13 they were caught in port in a storm-type situation?

14 A. Yes. The Navieras vessels, we operated the Navieras vessels
15 for a short period of time when TOTE first purchased Navieras.
16 And they were calling in Charleston, South Carolina, and
17 Charleston has a peculiar rule that if you're at the state docks,
18 which is the primary -- which is the majority of the docks down in
19 South Carolina, you can't stay there in high -- in heavy weather,
20 and the only place you can go in that port is to go down to
21 Detyens Shipyard. And I forget which vessel it was, we moved at
22 least one vessel away from the state docks down to Detyens because
23 we just -- we couldn't get out of town fast enough.

24 Q. And when you say the Navieras, those are the Ponce Class
25 vessels, are they?

1 A. No, they were steam vessels, but they weren't Ponce Class.
2 They were -- they're primarily -- I'm not going to say. I forget.
3 I don't recall. We dealt with them for a short period of time,
4 and I don't recall.

5 Q. Do you recollect if there was a hurricane or extreme weather
6 plan for the vessels while they were in full operating status?

7 A. Which vessels?

8 Q. Any of the military vessels in full operating status as
9 opposed to ROS? I remember looking through the OMV and I see
10 sections on reduced operating status, extreme weather and
11 hurricane. Was there anything for heavy weather?

12 A. Yes, it was a required deliverable of the contract, we had to
13 submit a heavy weather plan. That was primarily your in-port
14 plan. Your underway plan was governed by Navy OTSR.

15 Q. Before I move on -- and actually I do have a follow-up
16 question as far as, you know, the extreme weather plan, if you
17 will, or hurricane plan. Was there ever any document that you
18 recollect which was securing for sea for heavy weather?

19 A. I believe that would be part of the cargo securing manual.
20 We had some documents for the TOTE ships prior to the requirement
21 to carry a certified securing manual, but they were then
22 superseded by that statutory requirement.

23 Q. Do you recollect -- let me stop there.

24 MR. KUCHARSKI: Any follow-up questions on the phone on that
25 line?

1 Okay. I don't hear anyone. Oh, sorry, Captain. Captain
2 Neubauer.

3 BY CAPT NEUBAUER:

4 Q. Harry, do you remember any instances where a Ponce Class
5 vessel sailed directly into a storm?

6 A. Storm, at tropical storm level?

7 Q. Yes, sir.

8 A. As opposed to hurricane level?

9 Q. Yes.

10 A. I don't exactly recall.

11 Q. Do you remember if a Ponce Class ever sailed directly in the
12 vicinity of a hurricane? I mean within the storm bands.

13 A. No, I don't recall. The goal was always to stay away. Go
14 fast, go away.

15 Q. In your opinion, were the vessels equipped in a manner that
16 they could always avoid a storm?

17 A. They can make 22 knots. They could outrun anything.

18 Q. Would that have been your advice to any master that called in
19 regards to a tropical storm or hurricane, to avoid it entirely?

20 A. Avoidance was always the primary remedy. Yes.

21 CAPT NEUBAUER: Okay. Thank you.

22 BY MR. KUCHARSKI:

23 Q. This is Mike Kucharski. But you mentioned earlier, I
24 thought, and I just want to be clear on that, there was no
25 distance to stay away. Avoidance could be -- to my mind could be

1 5 miles, and I'm interjecting my own, as opposed to 50 miles or
2 500 miles. Was -- but there was ever no distance ever talked
3 about?

4 A. The effects of a storm vary dramatically as to where the
5 storm is. If it's in open ocean and generates a large fetch, the
6 distance you'd want to stay away would be significantly larger
7 than a storm scooting through the islands. But, like I said,
8 avoidance by the widest possible margin was always the goal.

9 MR. KUCHARSKI: I'm going to shift gears now a little bit.

10 UNIDENTIFIED SPEAKER: I have to get another pad. Go on.

11 MR. KUCHARSKI: Are we okay to continue?

12 UNIDENTIFIED SPEAKER: Yes.

13 CAPT. ROGERS: Yes.

14 MR. KUCHARSKI: To shift gears a little bit, Harry, and
15 before I do, I'll -- one last question, not question -- do any of
16 those on the phone regarding hurricane avoidance or hurricane
17 plans, securing for sea, heavy weather securing, anything along
18 those lines? [REDACTED] [REDACTED] did you have a question that you
19 held?

20 MR. [REDACTED] No, I didn't. Thank you.

21 BY MR. KUCHARSKI:

22 Q. Okay. Did the *El Faro* ever have an Iridium phone system
23 where the crewmembers could make outgoing calls by credit card or
24 some kind of a number? Do you recollect that?

25 A. Yes. Let me amend that. Some of the Ponce Class vessels for

1 SeaStar had Iridium phones. I'm not 100 percent sure that they
2 all had them.

3 Q. And these phones -- this is Mike Kucharski again -- these
4 phones, did all the crewmembers have access to the phones, those
5 ones on the particular vessels that had it?

6 A. Typically, no.

7 Q. Okay. So the Iridium system, I'm asking, like a payphone
8 system. Do you remember any system like that or a credit card
9 system where they had a phone that --

10 A. Okay. Yes, we had a Mini-M system that was -- I believe was
11 available to the crew. But it was -- it wasn't used much. The
12 Mini-M became problematic and -- that's it.

13 Q. Okay. Were there other Iridium phones that were provided to
14 the vessels, to either the masters or the key personnel or
15 anything like that, do you recollect?

16 A. I recall one phone per vessel, and it was meant to be --
17 cover those gaps where the Mini-M was less than perfect.

18 Q. While you were DPA -- DPA now, just concentrate on just DPA,
19 so that would be in the ISM area essentially.

20 A. Yes.

21 Q. Did you ever receive a phone call from a crewmember aboard a
22 company-managed ship and the crewmember called in to question the
23 decision making of the master?

24 A. Yes.

25 Q. Was that -- do you recollect if the call was made at sea or

1 in port?

2 A. During my period as DPA, I got approximately 10 to 12 calls
3 over the years. Primarily they were made from cell phones in
4 port. I don't recall any at-sea calls.

5 Q. Those 10 to 12 calls, Harry, I just want to be clear. Those
6 were about the decision-making skills, if you will, of the master?

7 A. Well, they were calling in to question -- the whole goal, the
8 whole purpose of DPA is that the crewmember has an outlet for
9 safety concerns. Whether it's the master, the chief mate or
10 shoreside personnel trying to get you to do something unsafe
11 doesn't matter, it all falls under the same category.

12 Q. So there were safety -- I mean, we've heard previous
13 testimony that sometimes they'll call on an overtime issue or
14 other -- food or something like that, you know, a crewing type, if
15 you will, a personnel type issue. I just want to be clear. These
16 were decision making about safety concerns that the master, that
17 the decision-making process involved safety type issues?

18 A. Of the 12 calls, several were of non-safety related issues,
19 like you said, overtime, crew matters, and they were handled
20 differently. But we did have probably six to eight calls over
21 that -- over those many years, where people were questioning the
22 orders they were being given or the functions they were being
23 instructed to complete. And those issues were handled -- they
24 were elevated to senior management instantly. Everybody was
25 advised of the non-retaliation policy and the issues were

1 resolved.

2 MR. KUCHARSKI: I'm going to stop there and see if there are
3 any follow-up questions along that line, calls to the DPA.

4 Captain Neubauer?

5 CAPT NEUBAUER: No.

6 MR. KUCHARSKI: On the telephone? Anyone that -- Coast
7 Guard? No. Anyone at TOTE?

8 CAPT. LAWRENCE: Nothing from me, TOTE.

9 MR. PETERSON: Nothing from me.

10 MR. KUCHARSKI: Sorry, NTSB, anyone from NTSB?

11 MR. FURUKAWA: Nothing from me. Eric went to the -- there's
12 a meeting downstairs.

13 MR. KUCHARSKI: Yep. Okay.

14 BY MR. KUCHARSKI:

15 Q. Harry, this is Mike Kucharski continuing. Were you aware of
16 any incident in which a TOTE vessel lost propulsion?

17 A. Yes.

18 Q. I'm just talking about propulsion. Not the plant, but just
19 propulsion. Can you elaborate? Was it TOTE? Was it a SeaStar
20 vessel?

21 A. It's a long expanse of years. It was a couple of situations
22 where the ship had lost propulsion, and was usually recovered very
23 quickly, but the fact that it happened meant that it needed to be
24 looked into and discover the root cause and deal with it. But it
25 was rare, and it was really rare. So maybe just a couple of

1 instances over those 20 years.

2 Q. And was that before you came to Interocean or was it while
3 you were at Interocean? Do you recollect hearing about these?

4 A. In the course of my job as operations -- port captain and
5 operations manager. It happened a couple of times. It turned out
6 to be insignificant, the problem was rectified and life went on.
7 There was never -- I don't recall a situation where a TOTE vessel
8 or a SeaStar vessel ever had to be towed into port. It was never
9 a shutdown of that magnitude.

10 Q. Did the loss of propulsion to your recollection ever come
11 from a list situation?

12 A. I don't recall.

13 Q. I'm going down my list of items. I'm going to jump a little
14 bit before we go into ISM audits. Vince Corry, he was the port
15 captain at one time, correct?

16 A. Yes.

17 Q. Do you recollect his background?

18 A. Yes.

19 Q. Please elaborate.

20 A. He spent 23 years as a line officer in the United States
21 Navy, a graduate of the Naval Academy. He was a commandant of
22 cadets at Maine Maritime College for 10 years, and then he came to
23 work with Interocean approximately 2000.

24 Q. His 23 years of Navy experience, did he have any command
25 experience?

1 A. I don't know.

2 Q. You mentioned assistant port captain at Interocean. Did you
3 have any other port captains besides Vince Corry or yourself?

4 A. A young lady named Eunice Cadorette was -- sort of had that
5 title but she was assigned to a specific contract. So I would
6 have limited access to her.

7 Q. Did you participate in any discussions with TOTE, TSI to be
8 specific, about how they would be structured operationally
9 personnelwise -- personnel? Somebody had asked you earlier how
10 Interocean was structured, you know, with personnel. So that's
11 what I'm trying to understand, if there were any -- if they came
12 to you, there were any discussions about how to structure TSI, you
13 know, personnelwise?

14 A. Not a discussion I ever had.

15 MR. KUCHARSKI: I'm going to stop there to see if there are
16 any follow-on questions along the few things I asked before I move
17 into ISM audits.

18 CAPT NEUBAUER: This is Jason Neubauer.

19 BY CAPT NEUBAUER:

20 Q. Sir, did you ever field concerns about a safety issue related
21 to the material condition of a Ponce Class vessel?

22 A. Yes.

23 Q. Can you describe an instance that you remember?

24 A. It had to do with the *El Morro*, and there was a call to the
25 designated person from then-Captain Jack Hearn and it involved

1 deteriorated steel on the second deck and wasted frames up in
2 number 1 hold behind the rum tanks.

3 Q. Can you discuss the process that occurred after you received
4 the call?

5 A. I elevated the matter to senior management and we contacted
6 SeaStar. We contacted the ABS and the Coast Guard. And we came
7 up with a plan to address the immediate needs, and that plan was
8 accepted and the plan was implemented over the next month, the
9 repairs being made mostly underway.

10 Q. Did you receive any resistance from the corporate offices on
11 the West Coast before moving forward with that plan?

12 A. No.

13 Q. Was there ever any reluctance throughout TOTE, anywhere in
14 the organization, to move forward with correcting that deficiency?

15 A. No.

16 CAPT NEUBAUER: Thank you. That was my question.

17 MR. KUCHARSKI: On the phone before I move into audits?

18 CDR [REDACTED] Yeah, this is Commander [REDACTED] [REDACTED] Just a
19 few quick follow-ups.

20 BY CDR [REDACTED]

21 Q. That issue you just described, Captain, where the captain of
22 the *El Morro* called, do you recall why he felt it necessary to
23 contact the DPA, and whether he was not getting the right support
24 from SeaStar perhaps or what was the reason he felt the need to
25 call the DPA in that situation?

1 MR. McEWING: Are you asking him what Captain Hearn thought?

2 CDR [REDACTED] I'm asking him what Captain Hearn expressed to
3 him as the concern as to why he contacted the DPA rather than
4 perhaps the port engineers or maybe perhaps the port engineers
5 weren't being responsive. I'm just trying to understand why
6 Captain Hearn would have contacted the DPA in that situation.

7 CAPT. ROGERS: Captain Hearn joined the vessel for the first
8 time. He had not been part of the regular rotation, and it was
9 his first time on board. And the ship had come out of the
10 shipyard and Captain Hearn came on board as the captain, and there
11 was -- he was made aware of the problems on the second deck by the
12 chief engineer, and he went down and examined the problem, spoke
13 to one of the West Coast port engineers. The West Coast port
14 engineer called me and wanted to know what was going on, and I was
15 tasked with finding out what was up and, you know, what needed to
16 be done.

17 So like I said, this was new to Captain Hearn. This wasn't
18 something he woke up one day and suddenly realized was there. He
19 was new to the vessel. So he come on and discovered that this was
20 the case and that it had to be addressed because it was a
21 watertight deck.

22 BY CDR [REDACTED]

23 Q. And the deterioration that he had identified, can you tell me
24 which portion of the deck that involved?

25 A. Yes. Primarily it was the second deck near the midship's

1 ramp entrance, was the area of primary wastage in that -- in the
2 steel.

3 Q. So it was on the outboard side of the vessel?

4 A. Yeah, it was starboard side of centerline, yes.

5 Q. Was it anywhere near any of the ventilation trunks?

6 A. No.

7 Q. Thank you. Moving on to -- back to the loss of propulsion,
8 when Mr. Kucharski asked you about that, you said that it was
9 usually recovered quickly. Were there examples that you can think
10 of where it was not recovered quickly?

11 A. No.

12 Q. So what did you mean by that statement when you said that it
13 was usually recovered quickly?

14 A. I did not accurately express my answer.

15 Q. Are you saying then that it was always recovered quickly?

16 A. In my experience.

17 CDR [REDACTED] Okay. Thank you, sir. No further questions.

18 MR. KUCHARSKI: Okay. This is Mike Kucharski.

19 BY MR. KUCHARSKI:

20 Q. Moving on, Harry, were you certified to perform ISM audits?

21 A. Yes.

22 Q. Could you tell us about your other certifications, ISM, all
23 those certifications?

24 A. I have my master's license unlimited, first class pilotage
25 from Cedar Brandywine Light on Delaware River, and I hold a

1 master's degree in finance, and I'm a certified auditor with the
2 ABS School down in Houston.

3 Q. Let's look at the OMV Section 15.5, and this can be found on
4 page 298, and the title of this section is Critical Operations.

5 A. I'm there.

6 Q. Okay. This section then refers you to the EPMV Section 515,
7 and it says contain detailed instructions concerning special
8 operation requirements relating to the vessel while underway and
9 for entering and leaving port. Did you -- the second paragraph
10 talks about the master being prepared to modify these procedures,
11 emergency procedures. Did you ever see any modification? Do they
12 come to your attention, modification of procedures, emergency
13 procedures?

14 A. The master was always given free rein to do whatever was
15 necessary for the safety of the vessel and the crew. Primarily if
16 you want to deviate from procedure, you should have a reason, and
17 we'd like to know about it.

18 Q. Did you ever see -- actually see any suggestions to the
19 changes? I guess is what I'm asking.

20 A. The changes would be made impromptu in a situation, not -- it
21 would never be quantified or detailed in a manual because the
22 iterations are endless.

23 Q. The -- moving on to the next section, just below 15.6,
24 Critical Equipment, did Interocean American Shipping ask the
25 vessels to develop critical equipment lists?

1 A. Yes.

2 Q. In that section of 15.6, at the end of the first full
3 paragraph, it talks about specific -- emergency-specific actions
4 or location of electronic instruction for each event. Typical
5 systems would include -- the first item is loss of lube oil
6 pressure. Did you ever see procedures, emergency-specific actions
7 for loss of lube oil?

8 A. It would have been included in the engine operating manual
9 for the vessel.

10 Q. Was the engine operating manual something that you audited
11 when you went on the vessel?

12 A. No.

13 Q. Was that referenced? Was that part of the safety management
14 system by reference?

15 A. By reference, yes.

16 Q. Did someone instead of yourself, someone with an engineering
17 background, look at the engine operating procedures, if you will,
18 on the vessels as part of an audit procedure?

19 A. Not that I'm aware.

20 Q. This critical equipment list, was that a requirement of ISM?

21 A. Yes.

22 MR. KUCHARSKI: Before I move from those two sections -- I do
23 have something related, but before I move from that, does anybody
24 have anything specific on those sections, the critical equipment
25 or the critical procedures?

1 BY MR. KUCHARSKI:

2 Q. Okay. In your audits, did you ever notice any form or
3 checklist for secure and proceed?

4 A. Let me look in Section 16 here.

5 Q. And this is Mike Kucharski. Not to be tricky, I've seen it
6 referenced. I just have never found the checklist.

7 A. No, we didn't have a checklist for that particular process.

8 Q. The company, the watertight door policy of the company, do
9 you recollect that there was a form for the closure of these
10 watertight doors?

11 A. It was required to record the closing of the watertight doors
12 in the logbook prior to departure, maybe not from the dock, but
13 from the port. That was required, yes.

14 Q. And there's a requirement for opening or closing the doors at
15 sea, is there?

16 A. I don't recall.

17 Q. Did you ever view the logbooks to see if there were any
18 entries for opening or closing the watertight doors at sea?

19 A. I don't recall.

20 Q. Okay. And when I say doors, you know, we talked about the
21 big watertight doors?

22 A. Yes, sir. I understand.

23 Q. Okay. How about the scuttles or -- did you ever see any
24 logging of that in your audits?

25 A. Not that I recall.

1 Q. Did you ever perform any of your audits underway?

2 A. Yes.

3 Q. And what -- were any on the Ponce Class vessels?

4 A. Yes.

5 Q. And were any on the SeaStar vessels?

6 A. I don't recall.

7 Q. Did your audit change in any way, the underway audit as
8 opposed to if you were auditing -- now I'm talking about an ISM
9 related audit, internal audit, if you will. Did it change what
10 you did at sea in your audit as opposed to in port?

11 A. I used a graduated process to conduct the audits for the
12 vessels. And what I mean by that is a new vessel to the company,
13 we would -- I'd go on board. I'd spend as much time as it took.
14 Sometimes I rode the vessels, but I'd spend time with the key
15 officers, making them understand what the essential elements were.
16 Because when you take over a vessel, you've then got 60 days for
17 your initial ABS audit. You have a temporary safety management
18 certificate, then you've got a 60-day audit and then you have a --
19 I believe you have another audit after that, an ABS.

20 So I would gear the, I would gear my -- we call them audits.
21 They were really training sessions. Primarily they were training
22 sessions to make sure that people understood where we're trying to
23 go with this. If I found any really glaring deficiencies where I
24 didn't have a sense that it was -- what I'm asking them to be
25 done, wasn't going to get done, then I would write it up as an

1 observation or corrective action.

2 And then the next time I came on board, I would increase the
3 level of things that I looked at. There's no sense bombarding
4 people with 1,000 things when you need them to get 20 things done
5 first. The next time it's more, and the next time after that, and
6 then once they're into the full audit routine, I would -- we'd go
7 through the requirements and then we'd also go through the
8 elements that had changed in our system or things that had changed
9 in the industry, regulatory developments, which was almost
10 constant. The audits were -- yeah, they're audits. I'm checking
11 to see that they're doing what we ask them to do, but we also used
12 them as a primary tool for training and education on topical
13 elements.

14 An example I gave you, we talked about before, was the list
15 situation. Well, a list can develop for a lot of reasons, and if
16 you don't know the reasons, you need to find out the reasons. And
17 we had discussions/training/part of the audit about dealing with
18 hazmat and developments in the hazmat area. These sort of things
19 were -- like I said, the audits started slow and built, in an
20 effort to get people to do what was most important first and then
21 add on after that.

22 Q. When you say go with this, you want them to know where you
23 were going with this, you're talking about the safety management
24 system?

25 A. The safety management system and industry developments,

1 regulatory changes, equipment issues within the industry,
2 enforcement issues within the industry. If we learn something on
3 an audit on one ship, if the Coast Guard or the port state was
4 giving us a hard time about something, we'd build it into the
5 safety management system, make sure all the ships know about it,
6 so that we don't pay the, you know, we don't pay the piper twice
7 on the same issue.

8 Q. Did you ever have a third party audit the vessels? And by
9 third party, I don't mean ABS or, you know, an official audit, but
10 to do an unofficial audit, if you will, or an internal audit, do
11 it for you?

12 A. A couple times, not -- I did most of the audits. I did most
13 of the audits and I can't think of a single audit that I did where
14 I didn't come away with a list of things that needed to either be
15 addressed in the OMV or fixed or modified. It gave me a very
16 intimate look into shipboard operations, and I'd get feedback from
17 the people that when you're there and talking to them, they won't
18 necessarily put on a piece of paper and send to you. So I would
19 always come back from the audits with a list of things that needed
20 fixing or updating or modification somehow.

21 But we did have some other folks do audits. Other people in
22 the TOTE office did a few, but I guess I'm down for about 85
23 percent of them.

24 Q. During your audits did you ever review or do you recollect
25 reviewing a bridge navigation equipment log or journal which

1 contained repairs to the vessel's navigation or radio equipment?

2 A. Well, any repairs to the GMDSS system have to be logged in
3 the GMDSS log, and I always looked at the GMDSS log as part of
4 each audit. But prior to that requirement being in place, we
5 would talk about the equipment in general, go through what's
6 working, what's on the list to be repaired, and in the case of the
7 TOTE and the SeaStar ships, they had access to a fellow named Bill
8 Taylor as the electronics guru, and if you knew Bill Taylor was on
9 the other end of a problem, you could mark it off your list. An
10 extraordinary individual.

11 Q. And Bill Taylor, who was he employed by?

12 A. He was employed by Totem Ocean Trailer.

13 Q. And where was Bill Taylor located?

14 A. Primarily out of Seattle. But he spent a lot of time on the
15 SeaStar ships and -- problem solver.

16 Q. Page 147 -- I'm sorry -- Section 7.4 of the OMV, page 147 in
17 the PDF version, this specifically talks about -- it's called
18 Equipment Maintenance and Tests, and it mentions RO/ET. Let me
19 just stop for a second. The SeaStar vessels, did they carry an RO
20 or an ET?

21 A. No.

22 Q. Okay. So --

23 A. But they were required to have a shore-based maintenance
24 agreement for the maintenance of the GMDSS.

25 Q. And the -- I guess the question I'm going to, I'm going to

1 ask about is, the first sentence, second line, talks about
2 operation that checks -- well, I'll read the whole sentence: RO
3 will perform routine maintenance and conduct performance checks as
4 necessary to ensure reliable operation of the ship's radio station
5 equipment and navigational equipment.

6 So the navigational equipment, is that -- that wouldn't be
7 captured in the GMDSS log, would it, navigational equipment?

8 A. No.

9 Q. So --

10 A. Let me stop you there. This section where it makes reference
11 to the RO/ET --

12 Q. Yeah.

13 A. -- was meant primarily to apply to the government vessels who
14 had RO/ETs. The liner ships were in and out of port often enough.
15 They had access to shore-based maintenance and the Tote
16 electronics pro to deal with those issues. But this was -- in
17 writing this, that was my intention, although I probably could
18 have been clearer and stated for the MARAD ships or the
19 transatlantic ships, for example, but that was the thinking when I
20 wrote this.

21 Q. Okay. So this -- when it says the -- about the maybe sixth
22 or seventh line down, it says, "A good journal/log will be kept to
23 record repairs made either by the RO/ET or other personnel."

24 Okay. So that was for the government vessels.

25 A. Well, that's a good practice, and typically any repairs that

1 are done on the bridge equipment are entered into the deck log.

2 Q. Did you ever cite any deck log entries for repairs to bridge
3 equipment during your audits?

4 A. Not that I recall.

5 Q. On your audits, did you review the vessel's preventive
6 planned maintenance system they called AMOS?

7 A. Yes.

8 Q. Okay. Were you involved at all when they first put that
9 system on board the vessels?

10 A. Yes.

11 Q. Okay. And when I say those vessels, I'm talking about the
12 SeaStar vessels --

13 A. Understood.

14 Q. -- specifically. Okay. And did you have any input into what
15 went into this system?

16 A. Not initially, no.

17 Q. Okay. Did that change as time went on?

18 A. Yes.

19 Q. And what kind of changes did you suggest or did you get
20 involved in?

21 A. The implementation of the AMOS system, changing over from
22 MMS, did not go well. It went very poorly. It would be made a
23 priority and then the priority would ebb, and I finally spoke to
24 the port engineers down in Jacksonville and made them understand
25 that we're not going to survive another ABS audit without this

1 system either working or being -- or going back to MMS.

2 The goal was to go to AMOS because that's what they had out
3 in Tacoma. It was compatible with other systems ashore, and it
4 was a good system but the implementation of it on the SeaStar
5 ships was really slow and really painful, and I had to object
6 strongly to the port engineers in Jacksonville to get them to
7 insist that adequate resources be applied to the problem.

8 Q. And could you elaborate a little bit -- this is Mike
9 Kucharski again -- on MMS?

10 A. It's a vessel management system, including PMS, critical
11 spares. It's very similar to AMOS but a different company,
12 different database. And the people out in Tacoma were very happy
13 with AMOS and what it did for them, and they wanted to put it on
14 the SeaStar ships.

15 Q. And when you say PMS, that's planned maintenance or
16 preventive maintenance?

17 A. Preventive maintenance, yes.

18 Q. Yeah. And were you involved in making any suggestions for
19 what should be included in the AMOS system?

20 A. No.

21 Q. Do you know who made that decision what to include in there?

22 A. My understanding was they wanted it to look as much like the
23 West Coast system as possible because the ships had a lot in
24 common. They had spares in common, and there's really no sense
25 keeping very expensive critical spares in stock if you've already

1 got them.

2 Q. But you -- so you had no input as far as what to include as
3 far as pieces of equipment, I guess?

4 A. No, I had not input in that at all.

5 Q. Okay.

6 A. Just in the application of the system itself.

7 Q. During your audits, did you ever look at sections of the
8 cargo securing manual or look at the cargo securing manual?

9 A. Yes.

10 Q. Did you see any recordation of repairs to any of the cargo
11 securing gear?

12 A. Not that I recall.

13 Q. Were you made aware of any problems with the cargo securing
14 gear?

15 A. One of our requirements was to perform cargo securing gear
16 inventories, and as the cargo configurations would change,
17 sometimes the -- you had too much of one type and not enough of
18 another, and I would keep after the captains to try and keep up
19 with the inventory so they knew what they had on hand. It's a
20 fluctuating number. Don't count the broken stuff. Have some kind
21 of plan to deal with the broken stuff, get it out of there, get it
22 repaired, get rid of it, get replacements, whatever it takes. But
23 it would be a topic of the audit, typically when I'm speaking to
24 the chief mate.

25 Q. So when you -- and I'd like to be clear about this. So when

1 you're talking about the cargo securing gear, we're talking about
2 the portable securing devices, if you will, like lashings and
3 things like that?

4 A. Primarily, yes.

5 Q. Primarily, yes. Okay. How about for the fixed security
6 devices, buttons, D rings? Was that ever looked at or discussed?

7 A. The condition of the buttons on the *El Faro* became a big
8 issue with a closer examination of the steel on the second deck.
9 Some of the buttons were getting close to being non-functional.
10 Some had been replaced, some had not. Quite a few needed
11 replacement. I remember speaking to Mr. Peterson specifically
12 about this, and he told me that the order had already been placed
13 and they would be putting a crew on the next couple weeks to be
14 knocking out buttons and a couple other issues. That was on the
15 *El Morro*, and the *El Morro* was always in need of steel work.

16 Q. How did they determine that there were problems with the
17 buttons?

18 A. You could look at them and see that they were wasting -- not
19 wasted but wasting, and they get thinner over time and at some
20 point the buttons don't hold properly if there's too much wastage
21 on the openings.

22 Q. And did -- were there any suggestions to look at any of the
23 other vessels, the *El Faro* or the *El Yunque*?

24 A. The *El Morro* was always the poor sister when it came to
25 steel. When we first took the ship over in 1999, there was

1 significant corrosion in almost every area. And in the early
2 years of owning the vessel, a tremendous amount of money was
3 poured into the tanks on the *El Morro*. The *El Yunque* wasn't in
4 that bad of shape so her steel maintenance money went to more
5 visible areas.

6 So like I said, the big money on the *El Morro* went into the
7 tank structures, and it was catch up, just catch up on the ships
8 the whole time. The hull steel was good. It was the pieces that
9 were exposed to saltwater. The ventilator trunks were -- a lot of
10 work done on the ventilator trunks because they'd just ingest
11 saltwater -- or salt air, rather. And they're not where you can
12 get at them easy so they don't get the constant attention that
13 they sort of need. You get in there in the shipyard and you do
14 what you can and get them cleaned up, get them painted, get rid of
15 the corrosion and replace the steel where you have to, but there
16 was -- you know, that's it.

17 Q. And when you say -- this is Mike Kucharski -- the ventilator,
18 we're talking about the cargo hold ventilation trunks?

19 A. Yes.

20 Q. And after the discovery on the *El Morro*, the problems, and
21 you mentioned that they're hard to see --

22 A. Yes.

23 Q. -- the condition, was there ever any suggestion to open up
24 the trunks on the other vessels to look at the condition?

25 A. Oh, absolutely. They were looked at periodically as part of

1 preventative maintenance and they were always on the shipyard list
2 to be opened, cleaned, inspected and repaired as necessary.
3 Always, always a maintenance issue.

4 MR. KUCHARSKI: Okay. I'm going to hold there to see if
5 there are questions. First Captain Neubauer.

6 CAPT NEUBAUER: Yes, sir.

7 BY CAPT NEUBAUER:

8 Q. I just have one question about the quality of the ABS audits.
9 In your opinion, were they thorough and effective?

10 A. Shipboard or shore side?

11 Q. Shipboard.

12 A. I'd say yes. Yes, they were. Yeah.

13 Q. How about the shore side?

14 A. Shore side, we were blessed with -- the Philadelphia senior
15 surveyor provided us enormous guidance and help in constantly
16 improving our system. That was a fellow named Mr. Pat Finley, and
17 they're hard audits but they were always productive and they were
18 -- it was always a tremendous learning situation. And I think the
19 rigorousness of those audits made for a good tight system.

20 Q. Did you attend any audits in Jacksonville or San Juan?

21 A. Yes.

22 Q. Would you say it was about the same level of rigor?

23 A. Internal audits in Jacksonville and San Juan.

24 Q. Oh, I'm sorry --

25 A. External audits were typically done in Jacksonville. It was

1 almost always easier to get a surveyor to the vessel in
2 Jacksonville so we concentrated on that.

3 Q. And when you said the audits were hard, were you talking
4 about the internal or external audits?

5 A. External audits.

6 Q. So Mr. Finley, he would go down to Jacksonville and conduct
7 those?

8 A. He was the principal surveyor here in Philadelphia. He would
9 travel sometimes, but they're restricted on how many audits they
10 can do for a specific entity in a row, and they would get other
11 people. But I always had the guidance of Mr. Finley and he was --
12 I could call him and ask him any question in the world and he
13 would help us and set us on the right path.

14 CAPT NEUBAUER: Thank you.

15 MR. KUCHARSKI: On the telephone, any questions, auditing?
16 Start with NTSB, Jon?

17 MR. FURUKAWA: Not for me.

18 MR. KUCHARSKI: Coast Guard?

19 CDR [REDACTED] Just a quick follow-up. This is [REDACTED] [REDACTED]

20 BY CDR [REDACTED]

21 Q. Captain Rogers, I'm trying to understand. You mentioned Pat
22 Finley and he didn't always conduct all the audits, the external
23 audits in Jacksonville. Do you know who -- was it somebody from
24 the ABS local office there in Jacksonville that would conduct
25 external audits shore side in Jacksonville, to your knowledge?

1 A. Yes. Oddly enough, I actually remember some of the names.
2 There was -- I thought I remembered the names. Mike from -- the
3 surveyors from Savannah would come down sometimes and Charleston
4 and sometimes they'd come up from Fort Lauderdale. I can picture
5 the guys. I just can't think of the names.

6 Q. That's okay. We don't need specific names. Do you recall,
7 either from your own personal observations or from things you had
8 heard, about the level or quality as compared to how you just
9 described the resource you would have in Mr. Finley?

10 A. I don't remember any easy audits. I thought the ISM -- and
11 actually we were certified to the SQE level which meant a much
12 more rigorous audit in and of itself. They were thorough. They
13 had their checklists and these guys would burrow down, pick an
14 area and burrow down in it and want to see the documentation and
15 keep on going till they were satisfied. I was generally impressed
16 with the level of diligence by the ABS auditors.

17 Q. Both in Philadelphia and Jacksonville; is that right?

18 A. Yes. Yes, um-hum.

19 CDR [REDACTED] Okay, sir. Thank you.

20 MR. KUCHARSKI: Anyone else from the -- [REDACTED] [REDACTED] No.

21 MR. [REDACTED] I'm good for this section, Captain Kucharski.

22 Thank you.

23 MR. KUCHARSKI: Yes, sir.

24 TOTE, any questions?

25 CAPT. LAWRENCE: I'm good, Mike. Thank you.

1 MR. PETERSON: Nothing from me.

2 BY MR. KUCHARSKI:

3 Q. Okay. I just have -- before I go through my list, I have one
4 question. Wind heel on the vessels, was that ever discussed? And
5 again, the Ponce Class vessels -- and let's just concentrate on
6 the SeaStar run, on the Puerto Rico run, with the containers, you
7 know, the conversion to put containers on. Was there any
8 discussion of wind heel?

9 A. Tangentially we'd speak of all things having to do with the
10 voyage, vessel handling. I don't ever recall it being raised as a
11 problem or an issue. We talked about it, but it was never raised
12 as a problem.

13 Q. You said you sailed as master for 5 years?

14 A. Yes.

15 Q. Yes. You said you were on the -- one of the -- the *Amazonia*
16 or whatever. Those are little container ships that carry
17 containers on them running down to South and Central America?

18 A. Yes. Yeah, just for one trip.

19 Q. Oh, just one trip. Okay. Would having wind heel information
20 available to the master, to you as a master, would that be useful
21 information?

22 A. I wouldn't discard it. I'd look at it. But you're going to
23 have to look and see what the actual conditions are, and the
24 answer is always to put the bow closer to the wind if it's a
25 problem.

1 MR. KUCHARSKI: Okay. I'm finished with my lines of
2 question. Captain Neubauer?

3 CAPT NEUBAUER: Yeah, I do have one.

4 BY CAPT NEUBAUER:

5 Q. Sir, did you do the evaluations for the masters --

6 A. Some.

7 Q. -- of the Ponce Class?

8 A. Some.

9 Q. For *El Faro*, did you do that vessel?

10 A. We had a process. As a matter of fact, it came about as a
11 finding in one of the ABS audits, and we instituted a process for
12 the senior officer audits that was supposed to take place every
13 September, September-October, as I recall. And there was a
14 process, there was a form generated for it, that had a progress
15 laid out of where it started, who was supposed to add to it, sign
16 it, whatever. So I did some of them, yes.

17 Q. Do you know, did TOTE stick to the schedule for those
18 evaluations?

19 A. For the most part.

20 Q. And if you didn't do a master, who would -- who else would do
21 the masters' evaluations while you were -- in the last few years
22 at TOTE?

23 A. I tried to channel them through me. Sometimes they were done
24 by the remote offices.

25 Q. Can you recall, if it was done by a remote office, who would

1 do that?

2 A. In my last years there, probably Lee Peterson for SeaStar.

3 CAPT NEUBAUER: Thank you. That was my follow-up.

4 MR. KUCHARSKI: Okay. On the phone, Coast Guard, do we have
5 any different lines of questions?

6 MR. [REDACTED] Yes, sir, Mr. Kucharski. This is [REDACTED] [REDACTED]
7 with the Coast Guard.

8 BY MR. [REDACTED]

9 Q. Mr. Rogers, during the time that you worked at TOTE, could
10 you explain what your understanding was as to who the master
11 reported to, how that functioned within the company?

12 A. The captains on the individual -- for the individual customer
13 served several masters actually. They would come to me for the
14 vast majority of issues. Specific items would go directly to the
15 port engineer. In some cases, some things would go directly to
16 the customer.

17 Q. Can we focus just on the *El Faro*, for example?

18 A. Right.

19 Q. But when you --

20 A. The everyday contact, because they would see the people face-
21 to-face was the port engineers in Jacksonville. They'd see these
22 folks every week because they're on board. And being in New
23 Jersey, I didn't have that luxury of being able to walk on board
24 every week, but we had near daily communication via email. I'm
25 monitoring through the submission of reports, all the quarterly

1 reports that were due, whether they're doing their training,
2 whether they're doing the drills that they're supposed to do. I'm
3 checking on seven or eight areas where I needed to see that these
4 functions were being done. So, like I said, the captains'
5 reporting was -- it wasn't in a straight line.

6 Q. Do you know that -- in other words, the position of marine
7 operations manager, as you filled it, as you left TSI, was that
8 function continued or were you aware of some kind of change?

9 A. I only know what happened up until the day I left.

10 Q. So in that same vein, looking at the master's performance,
11 their competency and their suitability, who made the determination
12 if a master was performing competently or suitable to be a master
13 of the vessel? Who is the ultimate person that made that
14 determination?

15 A. There was no ultimate person. It was almost always a
16 committee consisting of myself, Bob Rogers -- certainly
17 Mr. Peterson would have been involved in the discussion, other
18 folks at SeaStar if they had an issue they wanted raised, and it
19 was always looked at in its totality and we tried to stay away
20 from a single person making the decision because one person can't
21 know everything.

22 Q. Okay. So just the job title of Mr. Bob Rogers?

23 A. Vice president of human relations.

24 Q. So looking at a master of the *El Faro*, who would have
25 performed the evaluations for the individual that was working as

1 captain of that ship?

2 A. It would either be Lee Peterson or myself should have done
3 the evaluations for that position.

4 Q. If Mr. Peterson did it, would you have provided sort of a
5 technical review for the nautical operations side given that
6 Mr. Peterson is a marine engineer?

7 A. The form for the evaluation was set up. It was a stepped
8 form. It was intended to get the input of several different
9 evaluators on the -- on an individual.

10 Q. So for the senior officers, the master and the chief
11 engineer, it's my understanding they were required to be conducted
12 annually. Do you know if those were, in fact, conducted annually?

13 A. I don't recall if it was done every single year.

14 Q. Changing gears just a little bit, the *El Faro* on her accident
15 voyage had a Polish riding crew. How did you handle it from an
16 operations manager perspective when you knew a vessel was going to
17 be carrying a riding crew in terms of how the shipboard operations
18 might be changed or different?

19 A. We had a prescribed procedure. We had a special format for
20 indoctrination. We had -- we made sure these folks were always
21 included in the drills. They were included in some of the on-
22 board training that was relevant to them, but they were
23 indoctrinated before the ship left. They were supposed to be
24 indoctrinated before the ship left the dock, and those
25 indoctrination logs would come to me each quarter, and I would

1 review them and make sure that these indoctrinations were done.
2 And I found the shipboard people really good about it because they
3 realized it was in their best interest to have these people
4 indoctrinated properly.

5 Q. Let's say a riding crew's going to be dispatched to a ship
6 for a particular job, and you mentioned a specially formatted
7 indoctrination. Could you elaborate just a little bit on that?

8 A. Yes. We had four separate indoctrination checklists: deck,
9 engine, steward and non-crew. The elements -- of course, you had
10 your -- some elements common to all four forms: donning your
11 lifejacket, emergency signals, use of the telephone system, et
12 cetera, but then there was specific functions on the
13 indoctrination list that we insisted be covered as it pertained to
14 the individual being indoctrinated. You're going to indoctrinate
15 a deck person different than a engine and steward person and
16 certainly different from a non-crew member.

17 Q. So how would you be assured that that indoctrination for the
18 riding gang had been completed? You know, you're ashore and the
19 ship's operating down at Jacksonville. Would somebody receive
20 some form of certification or communication that said that the
21 indoctrination for the riding gang personnel had been completed?

22 A. It was a form that the individuals were required to sign, and
23 I would -- I wouldn't review these contemporaneously, but I would
24 look them -- look at them when the reports would come in each
25 quarter, and I'd look to see that they're done when the people

1 come on board. And people were pretty much in the habit of doing
2 it because, like I said, they understood that it was in their best
3 interest to do it, and I didn't see a need to know exactly when it
4 happened because there was a pattern of complicity that was
5 satisfactory to me.

6 Q. So looking at the -- not looking at the last year that you
7 were employed at TOTE Services, but in the 2012, 2013 time frame,
8 what was the size of your fleet of responsibility in terms of
9 vessels?

10 A. Roughly 18 vessels.

11 Q. And how many people were involved with the marine management
12 or the supervision of those vessels? In other words, what was the
13 size of your department?

14 A. Myself obviously. I had partial use of Mr. Corry. I had
15 partial use of an admin and occasional use of the -- of
16 Ms. Cadorette.

17 Q. So you were with TOTE Services in 2012 and '13. The *Courage*
18 was somehow involved with the operations of TOTE. Are you
19 familiar with that, so you could explain the Motor Vessel
20 *Courage's* operation and how it was involved with TOTE operations?

21 A. The Motor Vessel *Courage*, goes back into the mid-2000s. That
22 was an ARC ship, and we were the full technical manager of those
23 vessels. There was between five and eight of those vessels at any
24 given time.

25 Q. And the *Courage* would have been one of those vessels,

1 correct?

2 A. Yes.

3 Q. So would you have been involved with communication with and
4 about the *Courage* and the operation of the *Courage* during 2012,
5 2013 time frame?

6 A. No, it was previous to that.

7 Q. Okay. So there was a time in the distant past when you might
8 have been involved with that, but in that time frame you were not?

9 A. Correct. Yeah, we were involved with the -- I forget the
10 exact dates of the ARC ship management. It was a 5-year period,
11 and I was on those ships frequently.

12 Q. So I appreciate your patience. This is the last couple of
13 questions. Did you have any interaction with Captain Davidson?

14 A. Yes.

15 Q. Could you describe the different areas where you did interact
16 with him?

17 A. When he was on the ARC ships, and I forget exactly which ship
18 he was on, I interacted with him during audits, training, vessel
19 visits, numerous times, and then I interacted with him -- I was
20 there the day that he was placed on the *El Morro* when the other
21 officers were all fired. I was there that day.

22 Q. So were you aware of any of the circumstances involving the
23 hiring of Captain Davidson back to TOTE after he left Crowley?

24 A. Yes.

25 Q. Can you speak to that?

1 A. We had a situation that developed on the *El Morro*. There was
2 a drug bust, and the -- it was a meeting with the CBP in Fort
3 Lauderdale, and myself and a SeaStar representative were there.
4 The drug bust was a really big deal. It was a big amount, and
5 everybody was upset. The Coast Guard and CBP were especially
6 upset because they knew nothing about it, and when they did find
7 out, they got even more upset.

8 It turned out it was a FBI operation. And we were called
9 into a meeting with the CBP people, and the TOTE -- or the SeaStar
10 representative committed to relieving the senior officers on the
11 vessel, and we did that approximately a week or so later, and
12 Captain Davidson was one of the people -- was one of the first
13 people to be put in place of the people who were removed from the
14 vessels.

15 Q. And what I'm speaking to is he had been brought over or he
16 had left Crowley, and he had come over to work for TOTE in the
17 capacity as third mate on one of the West Coast ships. And what
18 I'm speaking to is the process by which he came back to TOTE as a
19 third mate reasonably well before he moved over and took command
20 of the *El Morro*. That's the issue I'm seeing if you have any
21 knowledge of.

22 A. No, sir, I do not. I was not aware of that at all.

23 MR. [REDACTED] All right. Well, thank you very much, Captain
24 Rogers. That's all I have in the general question area.

25 MR. KUCHARSKI: Any questions from others on the phone as to

1 different areas? Jon, I think you've already said no?

2 MR. FURUKAWA: Yes, none for me.

3 MR. KUCHARSKI: Okay. Any from TOTE?

4 CAPT. LAWRENCE: No, nothing from me. Thank you, Harry, for
5 your time.

6 MR. PETERSON: And nothing from me.

7 CDR [REDACTED] Mike, I do have one. This is [REDACTED]

8 BY CDR [REDACTED]

9 Q. Captain Rogers, you have a copy of some of the internal
10 audits that Captain Kucharski brought to the interview; is that
11 correct?

12 A. Yes.

13 Q. If you could turn to page 14 of that packet, there was an
14 internal audit conducted on April 8, 2010. I'll give you a moment
15 to turn to that page, page 14. It's page 1 of the audit on that
16 particular date, but page 14 of the packet which is marked as MBI
17 Exhibit 405 at the bottom.

18 MR. KUCHARSKI: And this is [REDACTED] [REDACTED] speaking?

19 CDR [REDACTED] Yes.

20 CAPT. ROGERS: April 8, 2010. April 8th -- this is '05.

21 April 8, 2010, bingo. Right here. What page is it?

22 BY CDR [REDACTED]

23 Q. Towards the bottom of that page, sir, under Deck Department,
24 item number 1, there's reference to Ops Memo D06. It says voyage
25 plan and port navigation plan review and acknowledgement. Do you

1 recall, sir -- can you expand on the topic of that particular ops
2 memo, to the best of your recollection?

3 A. I don't recall what that was.

4 Q. Okay, sir. I see back in the -- I'm trying to understand if
5 there was a -- you know, anything in writing about voyage plan,
6 review and acknowledgement shore side. There's reference in the
7 OMV, Section 10.7.1, that speaks to master review and
8 acknowledgement, and I'm just trying to differentiate whether
9 there might have been some other acknowledgement required shore
10 side, particularly in light of the hurricane plan that you
11 mentioned earlier that was not specifically identified as an ops
12 memo or part of the OMV?

13 A. Okay. I understand the question better now. The voyage plan
14 was required to be signed by the master prior to departure. It's
15 something I checked on as part of the audits to make sure that
16 both the voyage plan and the stability plan was signed by the
17 master prior to departure.

18 On the liner service, you're going over the same patch of
19 ocean virtually every week. The voyage plans were -- they had
20 maybe a dozen on file and they were -- you do the same thing each
21 time. So when I say you had a dozen on file, you had two
22 different ways to get to San Juan from Jacksonville, two different
23 ways to get from Puerto Rico to Port Everglades or back to
24 Jacksonville.

25 So each ship was -- they had them pretty well -- in

1 electronic version and my understanding was typically the second
2 mate and captain would just agree on which voyage plan they would
3 use. They had already been reviewed. It was routine, but it did
4 not require notification to the office of which voyage plan was
5 going to be used at any given time. The decision, very
6 competently made by the captains and questioned when we thought
7 there was any exterior or external forces to be considered.

8 Q. Okay, sir. Anything else on that? I think I understand. I
9 couldn't quite tell if you were finished with your thought.

10 A. Yes, sir, I'm finished.

11 Q. Okay. Just a few final questions. Back to the heavy weather
12 plan identified earlier. You spoke about carrying 3 days of fuel
13 and the multiple options for the transit and escape routes. You
14 stated earlier that that plan was not specifically incorporated
15 into an ops memo or into the OMV. Do you recall if that document
16 itself had any particular name associated with it?

17 A. The purpose was exactly as stated. It was a hurricane plan,
18 hurricane avoidance plan, I believe was the proper title, the
19 title we gave it.

20 Q. The reason I'm asking this question is if we were to try and
21 obtain a copy of it, what could we call that document in an
22 inquiry to the TOTE organization? That's why I'm asking about the
23 title. Hurricane avoidance plan, is that what you called it?

24 A. It could be. It was written in the early 2000s. It never
25 really changed and, like I said, each year typically if I hadn't

1 already thought of it, Mitch Walker would remind me that, hey,
2 we're in hurricane season again. I'd tell him I was going to or I
3 had already sent out the annual reminder and then we just -- we
4 monitored the vessels. We monitored the weather. We monitored
5 the vessels. The elements of the actual at-sea plan were very,
6 very simple.

7 Q. Okay. Was a copy of that particular document kept shore side
8 or was it only on the ship, sir?

9 A. It was -- I'm sure I did it electronically so it would have
10 -- I would have kept it on the server somewhere. I don't remember
11 where.

12 Q. And my last question is, do you recall if that was
13 incorporated into your turnover notes with Captain Lawrence?

14 A. I don't recall.

15 CDR [REDACTED] Thank you, sir. I don't have any further
16 questions.

17 MR. KUCHARSKI: Any questions from TOTE?

18 CAPT. LAWRENCE: Not from me.

19 MR. PETERSON: No.

20 MR. KUCHARSKI: Okay. This is Mike Kucharski.

21 BY MR. KUCHARSKI:

22 Q. I do have a couple follow-up questions, Harry. So when you
23 performed your audits, did you look at the voyage plans or not?

24 A. Yes.

25 Q. You did?

1 A. Um-hum.

2 Q. Okay. So it would be the actual routes, the same dozen ones
3 that you mentioned. And I don't know if the question was asked
4 directly, were these -- the voyage plans, those ever sent to the
5 office?

6 A. No, they were looked at as part of the audits.

7 Q. When you did your underway audits, did you ever have any need
8 to observe discussion about a change in the voyage plan or was
9 that ever brought up by you? You know, in other words,
10 hypothetical or actual.

11 A. I think it would have been talked about in a larger context,
12 that the master had the option to deviate from policy any way he
13 needed to deviate for the safety of the ship and the personnel,
14 but we wanted to hear about it. You better have a reason and we'd
15 like to hear about it, yeah.

16 Q. Okay. But -- I'm sorry.

17 A. Done.

18 Q. Yeah. But specifically for the rest of the bridge team, did
19 you, you know, did you observe that in any situations or did that
20 discussion come up, you know, a mental model, if you will, where
21 the bridge team members where they discussed it or hypothetically
22 or --

23 A. One of the requirements -- one of the training requirements
24 we had on board all of our vessels was for a type of training what
25 we called tracked training. That's where a sign-up sheet was

1 done, all the people in attendance were to sign up. The
2 description of the training went on the bottom of the form, the
3 length of the time that was spent during the training was
4 recorded, and there was a list of about 12 topics that fell under
5 the heading of tracked training.

6 There was a table in the training addendum -- it may also be
7 in the OMV, I can't remember exactly -- that showed the who, the
8 what and the when, and the when, how often these topics had to be
9 covered, and there had to be a record of who was there, how long
10 it took them and what was covered. And I would get those -- I
11 would get copies of those sheets at the end of each quarter and
12 I'd review them to make sure that the topics were covered.

13 And on the topic of bridge team management, we had a piece in
14 the training addendum that spoke specifically to some of the
15 elements that were to be included in the bridge team management
16 discussion. As I recall, it was supposed to incorporate the
17 bridge procedures guide -- I forget who the publisher of that is,
18 but that was a required document to be on board, and then there
19 was five or six pages of instruction on how to conduct the bridge
20 team management training.

21 I believe I had gotten that from one of the schools, and it
22 was so good and it was so tight that I just stuck it in a section
23 of the training addendum. I couldn't do better myself. So I used
24 it, so -- it's good.

25 Q. And that had, to your recollection, something regarding

1 voyage planning and discussion of the voyage plan?

2 A. Yes.

3 Q. And this was in a training addendum which was part of the
4 safety management system?

5 A. Yes.

6 Q. But outside of --

7 A. A non-controlled document, yes.

8 Q. A non-controlled document.

9 MR. KUCHARSKI: Okay. I don't have any further questions.
10 This is Mike Kucharski. Captain Neubauer?

11 CAPT NEUBAUER: Thanks.

12 BY CAPT NEUBAUER:

13 Q. Just one question, sir. Did you ever receive any complaints
14 about Captain Davidson while you were in your role as DPA or ops
15 manager?

16 A. No. No, my interactions with Captain Davidson were to my
17 mind all favorable. We asked him to step into a bad situation on
18 the *El Morro*. He did it with a fair amount of class and
19 persistence, and I had a high opinion of Captain Davidson. I
20 really did.

21 CAPT NEUBAUER: Thank you.

22 BY MR. KUCHARSKI:

23 Q. Harry, this is Mike Kucharski. I lied. This quarterly
24 report you got from the vessels, okay, for the training if you
25 will, was that a matrix? Was it a matrix form, do you recollect?

1 What was it like?

2 A. There was -- we had four levels of training on an Interocean
3 ship. Number one was the indoctrination. Indoctrination was
4 prescribed and the log sheet to say that the training was done
5 came to me each quarter.

6 The next level was the tracked training -- I'm sorry. It was
7 the on-board informal training, which would have been informal
8 drills and topics that had to be discussed as part of your
9 training hour each week, and that was a matrix. And there was no
10 sign-up sheet for that, but everybody on board was -- except those
11 people on watch, were expected to have attended that.

12 And then the next level was the tracked training which
13 specified who was there, what was discussed, how long it took, and
14 I got copies of each individual's sheet each quarter. So when I
15 would do my quarterly check-offs, I'm checking off to make sure
16 I've got the safety meeting minutes for the whole quarter, made
17 sure I got the indoctrination logs, the safety training matrix,
18 the safety drill matrix, the tracked training log sheets.

19 And then the fourth type of training, of course, was
20 certainly a shore certificated training, which was part of a
21 different process.

22 But we had those three tiers of training on board our ships
23 and it seemed to be effective. It seemed to be effective. We --
24 our safety management system over the course of 20 years, we saw
25 our lost time injuries reduced by over 80 percent, and our

1 reportable injuries reduced by over 80 percent. In 2013, our
2 stats were so below the industry norm that Bob Rodgers told me, he
3 said, for the first time in our history, we have no outstanding
4 claims. First time ever. And that's -- that was the goal.

5 We had great cooperation from the people on the ship. They
6 did what we asked them to do. We checked up on it. We audited
7 heavily, aggressively, and we had great cooperation. Great
8 cooperation, just across the board, and the exceptions are so
9 small and so infrequent that -- well, but that was the goal and
10 that's what we worked towards.

11 MR. KUCHARSKI: On the phone, any other questions?

12 BY MR. KUCHARSKI:

13 Q. Harry, one final. Is there anything that you would like to
14 add to what we've asked that would be helpful?

15 A. No.

16 MR. KUCHARSKI: Okay. Then we'll note that it's 3:20, on the
17 23rd of March. No final questions, we'll close the interview
18 down. Thank you very much for your time. Thank you for being
19 here.

20 UNIDENTIFIED SPEAKER: Thanks, Captain Rogers. It's been
21 very helpful.

22 CAPT. ROGERS: Yes, sir.

23 UNIDENTIFIED SPEAKER: Thank you. Captain Rogers.

24 (Whereupon, at 3:20 p.m., the interview was concluded.)
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: SINKING OF THE S.S. *EL FARO*
 ON OCTOBER 1, 2015
 Interview of Harry Rogers

ACCIDENT NUMBER: DCA16MM001

PLACE: Philadelphia, Pennsylvania

DATE: March 23, 2017

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Kathryn A. Mirfin
Transcriber